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COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS
vs. Indictment No.
KAREN READ 2282CR00117
* * * * *

Day 9 - Trial with Jury
Before the Honorable Beverly Cannone

APPEARANCES:

For The Commonwealth:
BY: Adam Lally
Laura McLaughlin
Assistants District Attorney

For Karen Read:
BY: Alan Jackson
David Yannetti
Elizabeth Little
Attorneys at Law

Norfolk Superior Courthouse
Dedham, Massachusetts
Thursday, May 2, 2024

Paula M. Mills
Retired Certified Court Reporter
and Court Transcriptionist

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P R O C E E D I N G SMay 2, 2024

(Court reporter, A.D.A. McLaughlin and Attorney Little in without the Court at 8:57 a.m. to premark exhibits on the record.)

THE COURT REPORTER: For the record, this is Nancy King, per diem court reporter, on the record with Commonwealth versus Karen Read, on Thursday, May 2nd. Present with me is A.D.A. McLaughlin and Attorney Elizabeth Little. We are here to mark exhibits that are agreed upon and not objected to.

MS. LITTLE: Yes.

MS. MC LAUGHLIN: Correct. The Commonwealth would move to introduce seven photographs by agreement.

MS. LITTLE: No objection.

THE COURT REPORTER: No objection to each one?

MS. LITTLE: No objection to each one.

THE COURT REPORTER: So no objection to Exhibits 372 through 378, correct, Attorney Little?

MS. LITTLE: Correct, no objection, for your records.

(Whereupon, there was a discussion off the record.)

MS. LITTLE: The defense is asking just to mark the wide-screen version of the Saraf and Goode

1 dash cams, which is on this flash drive by
2 agreement.

3 THE COURT REPORTER: Is that agreed upon?

4 MS. LITTLE: Yes.

5 THE COURT REPORTER: If you could just jot
6 down what that is for the clerk's record keeping?

7 MS. LITTLE: Yes.

8 THE COURT REPORTER: And that will be Exhibit
9 379, by agreement, Attorney Little?

10 MS. LITTLE: No. 379. Yes.

11 THE COURT REPORTER: By agreement?

12 MS. MC LAUGHLIN: Yes.

13 MS. LITTLE: A wide-screen dash cam of Saraf
14 and Goode, G-O-O-D-E. Thank you.

15 THE COURT REPORTER: That is Exhibit 379.

16 (Whereupon, the following above-mentioned exhibits
17 were premarked by the court reporter, agreed to,
18 and in the presence of A.D.A. McLaughlin and
19 Attorney Little as follows:)

20 (Whereupon, photographs were entered and marked
21 Exhibits No. 372 through 378 in Evidence.)

22 (Whereupon, thumb drive was entered and marked
23 Exhibit No. 379 in Evidence.)

24 (Court in session at 9:11 a.m.)

25 (Defendant present. Jury present.)

1 THE CLERK: Your Honor, this is 2282-117, the
2 Commonwealth versus Karen Read. Can I have counsel
3 identify themselves for the record, starting with
4 the Commonwealth?

5 MR. LALLY: Adam Lally, for the Commonwealth.
6 Good morning, Your Honor.

7 THE COURT: Good morning, Mr. Lally.

8 MS. MC LAUGHLIN: Good morning, Your Honor.
9 Laura McLaughlin, for the Commonwealth.

10 THE COURT: Good morning, Ms. McLaughlin.

11 MR. JACKSON: Alan Jackson, on behalf of
12 Ms. Read. Good morning, Your Honor.

13 THE COURT: Good morning, Mr. Jackson.

14 MS. LITTLE: Good morning, Your Honor.
15 Elizabeth Little, also on behalf of Ms. Read.

16 THE COURT: Good morning, Ms. Little.

17 MR. YANNETTI: Good morning, Your Honor.
18 David Yannetti, for Karen Read.

19 THE COURT: Good morning, Mr. Yannetti. Good
20 morning, Ms. Read.

21 Good morning, jurors. So I have to ask you
22 those same three questions: Were you all able to
23 follow the instructions and refrain from discussing
24 this case with anyone?

25 Everyone said yes or nodded affirmatively.

1 Were you also able to follow the instructions
2 and refrain from doing any independent research or
3 investigation into this case?

4 Everyone said yes or nodded affirmatively.

5 Did anyone happen to see, hear or read
6 anything about this case since we left here on
7 Tuesday?

8 Everyone said no or shook their head.

9 Jurors, from time to time, I will give you
10 instructions and talk to you for a few minutes
11 about how evaluate evidence for a couple of minutes
12 today. It's part of my job, where my job is to
13 teach the jury about the law.

14 So in considering the testimony of any
15 witness, please remember that questions are not
16 evidence, only the answers, which are, in fact, the
17 only part of the exchange between the lawyer and
18 the witness that are given under oath are evidence.

19 So if a witness is asked, isn't it true that
20 after you learned that your uncle left you money in
21 his will you poisoned him, and the witness's answer
22 is no, based solely on that question and that
23 answer, there is no evidence that the witness has
24 an uncle, that the uncle had a will, that the uncle
25 left the witness money, that the witness knew that

1 he did or that the witness poisoned him. So going
2 forward, I want you to consider the evidence in
3 that regard.

4 Also, there were videos shown to you, and I
5 expect that throughout the course of this trial
6 there will be many more videos shown to you. These
7 videos are evidence, and there's audio on these.
8 So what the video shows is for you folks to decide,
9 not me, not any of the lawyers.

10 What an audio recording says is for you to
11 decide, not me, not any of the lawyers, because you
12 find the facts. That is your job. We all have
13 different jobs. But finding the facts in the case
14 is your job. Okay?

15 So with that, please get your Commonwealth
16 witness back on the stand, Mr. Lally.

17 THE CLERK: I just need you to raise your
18 right hand one more time.

19 Whereupon,

20 ANTHONY FLEMATTI, Resuming
21 having been first duly sworn, was examined and
22 testified under oath as follows:

23 THE COURT: All right. Mr. Lally, whenever
24 you are ready.

25 MR. LALLY: Thank you, Your Honor. Your

1 Honor, before I begin, may I approach the witness
2 to return Exhibit 160?

3 THE COURT: Sure.

4 CONTINUED DIRECT EXAMINATION

5 BY MR. LALLY:

6 Q Good morning, sir.

7 A Good morning.

8 Q I believe when we had left off the other day,
9 you had arrived in the area of 34 Fairview Road; is
10 that correct?

11 A That's correct.

12 Q And, when you arrived there, what, if
13 anything, did you do upon arrival?

14 A So on arrival, positioning the apparatus is
15 going to be our most important thing, trying to figure
16 out where our patient is and parking our apparatus
17 close enough, especially at nighttime that we can light
18 up the scene as well as we can; trying to figure out
19 how to approach a scene because if we have to track
20 equipment farther distances, it can slow our response
21 down. So we try and make sure our arrival and
22 positioning as best as we can put it.

23 Q As far as positioning in reference to when you
24 first are sort of pulling up on the scene, where are
25 you in the ambulance again?

1 A So I would have been the passenger of the
2 ambulance. Usually the tech that's leading the call
3 will sit on the passenger side to try and mentally get
4 ready for what's going on, whether it's reviewing
5 protocols or just trying to assess the information
6 coming across the radio so you can update your
7 treatment plan as much as you can before you see the
8 victim.

9 Q And, when the ambulance comes to a stop or
10 it's parked in your position, where is -- what, if
11 anything, do you see sort of as far as the scene is
12 concerned?

13 A So we have our fire apparatus that are helping
14 light up the scene. But we also have two female
15 parties going by to the victim on the side of the road,
16 going back and forth between them, that person and the
17 side of the road.

18 Q And, from the position when you first arrive,
19 are you able to see the person on the side of the road?

20 A You can see a shape of a person. So we know
21 that's where the patient is because we reported that
22 there was a party on the side of the road. So seeing a
23 body shape, that clued us that that was where we were
24 headed.

25 Q And, in addition to the ambulance that you're

1 in, how many other vehicles are on scene when you get
2 there?

3 A So when I get there, I believe it is Engine 3
4 and Car 5.

5 Q And, beyond sort of the vehicles from your
6 department, what, if any, other vehicles do you see
7 when you get there?

8 A If I remember correctly, it was just a
9 personal vehicle. I don't remember if there's any
10 police cars on scene at that time.

11 Q And, from your orientation when you pull up,
12 where is the body positioned? To your left, to your
13 right or something else?

14 A To my left.

15 Q And so after the ambulance is positioned, what
16 do you do from there?

17 A So then it's going to be bringing all of the
18 equipment over to the patient's side to be able to
19 extricate them from that situation, whether it's a
20 house or a street or a road. We assess where they are
21 and then the best tools to get them out into the
22 ambulance to be able to work effectively on the
23 patient.

24 Q And, when you proceed over to -- now, again,
25 at some point subsequent, later on, are you able to

1 identify who the person on the ground is?

2 A Yes. We will try and get a general idea of
3 the age of the patient, the positioning of the patient,
4 how they were found. And, then, when we get him into
5 the ambulance, we can start identifying ways to
6 register that patient in the emergency room. So
7 identifiers, whether it's a license or witnesses or we
8 try and figure out who they are so they can get
9 registered at the hospital.

10 Q And, at some point, were you able to identify
11 who this person was?

12 A That's correct. His wallet was in his pocket
13 and we were able to grab his license.

14 Q And who were you able to identify him as?

15 A John O'Keefe.

16 Q So with reference to Mr. O'Keefe when you
17 first observed him on the ground, how far away from the
18 street or the roadway is he at that point?

19 A I'd say approximately 10 feet away from the
20 road.

21 Q And how is he positioned, as far as how was
22 his body positioned?

23 A I'd have to review, but I believe he was
24 supine, on his back.

25 Q Just in general terms, first, when you are

1 responding to a call of this nature, what are some of
2 the protocols that you were speaking about? Is it that
3 you're seeking to do or assess when you first arrive?

4 A So we are trying to determine if it's a
5 cardiac arrest whether it's a viable transport or
6 workable arrest. We have certain protocols within the
7 Massachusetts protocols for whether we work the patient
8 or we relieve the patient on scene if it's a police
9 matter, if there's injuries nonsustainable with life.
10 So we are trying to make that assessment before we make
11 any decisions.

12 Q Let me stop you there just for one second.
13 You used the term as far as cardiac arrest. Based on
14 your training and experience, what do you understand
15 that term to mean?

16 A So cardiac arrest, to the best of my
17 knowledge, is just the cessation of electrical and
18 mechanical activity in the cardiac muscle. So the
19 cardiac muscle pumps blood throughout the body; and,
20 when that stops, all life stops after that.

21 Q Now, in particular reference to the
22 conditions, the weather conditions that you find
23 yourself in, what, if anything, else is sort of on the
24 scale or spectrum in regard to diagnosis at this point?

25 A So cardiac arrest, depending on where they are

1 found, we try and figure out what led them to be at
2 that point. So we are looking at weather conditions,
3 as well. That can also affect viability of
4 resuscitation.

5 So due to the extreme weather, extreme cold,
6 we will attempt resuscitation on that patient due to
7 the fact that it will prolong viability of the arrest
8 or ability to recover from cardiac afterwards. So
9 weather is definitely a key factor.

10 Q And are you familiar with the term, based on
11 your training and experience, called hypothermia?

12 A Correct.

13 Q And so what, if any, sort of relationship does
14 cardiac arrest have -- well, let me ask you this first.
15 What is your understanding of the term "hypothermia"?

16 A Exposure to extreme cold that lowers your core
17 and extremity temperatures down to below 95 degrees,
18 usually.

19 Q And what, if any, interplay is there between
20 hypothermia and cardiac arrest?

21 A So like I said before, it will prolong how
22 long it will preserve the body after arrest. So if
23 somebody's found in like a cold water situation,
24 there's been multiple reports of patients recovering
25 after being drowned in cold water for up to an hour.

1 So viability is definitely improved by the cold water.

2 Q And, as far as viability is concerned, you
3 talk about doing your assessment. What are sort of the
4 steps that go into your assessment?

5 A So we are looking for obvious signs of death.
6 So we are looking at exposure of brain matter. We are
7 looking at traumatic injuries, decapitation, things
8 that would basically be nonlife sustainable. We are
9 looking at signs of lividity and rigor to basically
10 show us how long the patient has been down for.

11 Q And the age of a particular patient, what, if
12 any, relationship does that have to your assessment?

13 A So it will show the extent of frailty the
14 patient has. If somebody is an elderly patient, a
15 severe cancer patient, their ability to sustain a
16 cardiac event like that is less.

17 So somebody that's younger or middle aged will
18 have a much better chance of recovery afterwards, but
19 that would really be the only key that we are looking
20 at.

21 Q And what, if any, observations did you make of
22 Mr. O'Keefe during your assessment of him initially?

23 A Just that he was a middle-age male, and that
24 was all we had.

25 Q And, as far as the other things that you were

1 talking about as far as viability or resuscitation,
2 what, if anything, did you observe with reference to
3 Mr. O'Keefe in regard to that?

4 A So with the viability, we were looking at any
5 rigidity or rigor in the body or lividity or separation
6 of blood. You'd have a pooling of blood or bruising it
7 would look like at the lower parts of the body,
8 depending on how the person is positioned, basically.
9 If they are supine, you'd have positioning or pooling
10 underneath the body. And then you would have stiffness
11 of the arms, leg, jaw, neck to be able to move the
12 body. We're looking to -- if they don't have those
13 things present, it's another check mark of saying this
14 is viable, we can work this.

15 Q Specifically as it applies to your assessment
16 of Mr. O'Keefe, what, if anything, do you recall in
17 regard to that initial assessment as far as viability?

18 A So his limbs were able to be moved, jaw was
19 able to be moved. The posterior area of his body was
20 red. So not indicative of the lividity that we're
21 looking for. So we termed it to be a viable arrest and
22 continued to work.

23 Q Now, you mentioned as far as sort of gathering
24 your equipment and bringing it over to Mr. O'Keefe,
25 what, if any, equipment did you get?

1 A So equipment initially is going to be our
2 scoop stretcher to be able to pick the patient up,
3 break apart, put it underneath him. We have a first-in
4 bag, airway bag, cardiac monitor. We will bring all of
5 that over to the patient's side to be able to do as
6 much as we can in that situation. But, due to the
7 weather, we wanted to get him out of the weather
8 because that was one of the things that was hurting him
9 at that point, was getting him into the warmer
10 ambulance and beginning the warming process.

11 So getting into an area where we can assess
12 the patient thoroughly with good lighting and to be
13 able to expose the patient and begin the warming
14 process.

15 Q And, when you go over to where Mr. O'Keefe is
16 about 10 feet off the roadway, who, if anyone, from
17 your department goes along with you?

18 A So I have Matt Kelly with me and Tim Nuttall.
19 I also have Frank Walsh, Katie McLaughlin and Greg
20 Woodbury and Captain Robery.

21 Q And, as far as this sort of initial assessment
22 on the ground with Mr. O'Keefe, what, if anything, were
23 sort of each of those respective people doing with
24 regard to Mr. O'Keefe?

25 A I would have to review the specific

1 interventions as far as who did what when. That's why
2 we document things immediately afterwards so it's all
3 fresh. So CPR was initiated by me and ALS assessment
4 as well. I can go over individual interventions if
5 you'd like, but it's really --

6 Q And, for the record, sir, you're looking at
7 Exhibit No. 160. And what page of that are you looking
8 at?

9 A It says two of five of my EMS report, but
10 there is also the report on the top, as well.

11 Q So initially when you go over to Mr. O'Keefe,
12 how many other people are sort of in that area at that
13 time?

14 A So in the area, we have the first responders.
15 Then we have the two female parties on scene.

16 Q Where were the two females in relation to
17 Mr. O'Keefe?

18 A So as we are approaching the scene, they were
19 kind of in between us and the patient. So we try to
20 gather as much information as we could from them as we
21 could.

22 Q And so once you make that determination as far
23 as viability of resuscitative efforts, sort of
24 specifically what are you and the other firefighters
25 doing in regard to those efforts with Mr. O'Keefe?

1 A So beginning CPR, we are trying to establish
2 good quality CPR, get the patient onto our stretcher,
3 begin an IO, start medications, start ventilating the
4 patient. All of the conditions that the body has, we
5 are trying to remedy through intervention. So we are
6 trying to breathe for the patient. We are starting to
7 press on his chest to do CPR, to cause the cardiac
8 muscle to compress, spread blood through the heart,
9 cardiac muscle, cerebral brain. And we are trying to
10 reverse what's happening in the body.

11 Q Now, as far as when Mr. O'Keefe, you observe
12 him on the ground, what, if any, snow did you observe
13 on or around him in that area?

14 A The snow was probably up to the mid-axillary
15 point. So we are looking at probably halfway up his
16 rib point. The top of his body was clear.

17 Q And do you know about how much snow was
18 covering his body up to the mid axillary?

19 A I'd say about four inches, four to six inches.

20 Q Now, as far as your observations of
21 Mr. O'Keefe when he's on the ground, what, if any,
22 observations did you make as far as how he was dressed?

23 A For the exposure, I would say he was pretty
24 underdressed, long-sleeve tee shirt, jeans, nothing
25 really substantial to be out in that type of weather.

1 Q And at this point or any subsequent point,
2 what, if any, observations did you make of
3 Mr. O'Keefe's footwear?

4 A By the time we -- so our first priority is
5 obviously going to be treating the patient. His
6 clothes do matter, but it's on the list of priorities
7 not huge. So by the time we figured out he was missing
8 one of his shoes, we were already at the hospital at
9 that point.

10 Q And do you recall which of his shoes he was
11 missing?

12 A I don't.

13 Q And, as far as that missing shoe, was that
14 something that you or any of the firefighters,
15 paramedics would have needed to have removed on scene
16 pursuant to any sort of treatment?

17 A Nothing would have been done through the feet.
18 It would have been just exposure of the patient to see
19 possibly the extent of frostbite, if it had started
20 affecting extremities, fingers, nose, that type of
21 things. Hypothermic reaction there.

22 Q And would that be something that would have
23 been removed by one of you or by one of the other
24 firefighters while he was on the ground?

25 A If it would have been removed, both of them

1 would have been removed. To assess that, it wouldn't
2 do much good to just remove one and leave it there on
3 the scene.

4 Q Now, as far as the two females that you
5 observed, did they sort of remain in the same position
6 that you initially observed them? Did they move around
7 or something else?

8 A They kind of cleared a little bit away from
9 the scene. I would say they moved off to the right of
10 the apparatus so we could work on the patient at that
11 time.

12 Q And what, if any, conversation or what, if
13 anything, did you ask either of those two females?

14 A So how the patient was found and what brought
15 them to that situation is critical. So we are trying
16 to figure out as much information, past medical history
17 that we can of the patient. So we are trying to find
18 somebody who has knowledge of the event.

19 So as we approach a scene, we begin to talk to
20 one of the females, what is going on, why are they
21 there, just what happened.

22 Q So you say you're speaking to one of the two
23 females; is that correct?

24 A That's correct.

25 Q Okay. And do you see any of those females in

1 the courtroom today?

2 A That's correct. Ms. Read.

3 Q Could you just identify as to where Ms. Read
4 is seated or an article of clothing she's wearing?

5 A Right there.

6 MR. LALLY: Your Honor, I'd just ask the
7 record reflect identification of the defendant by
8 the witness.

9 THE COURT: Okay.

10 BY MR. LALLY:

11 Q Now, with regard to one of the two females
12 that you were talking to, was that Ms. Read or was that
13 somebody else?

14 A That was Ms. Read.

15 Q And why, if at all, were you talking to her
16 versus one of the other females that you observed?

17 A She seemed to be the one that was most
18 personally affected by it. So I figured she had the
19 most information about why the person was there?

20 Q And what, if any, observations did you make of
21 her in regard to your conclusion that she was the one
22 who seemed the most personally affected by it?

23 A She was the most distressed on scene,
24 obviously upset. So personally related to or had a
25 relationship with the person.

1 Q Now, before we get to any conversations, what,
2 if anything, did you observe Ms. Read or any of the
3 females doing with reference to Mr. O'Keefe's body when
4 you first started to come out to the scene?

5 A So I would characterize it as an attempted
6 resuscitation. You're attempting to -- she was
7 attempting to do CPR. But, due to the erratic behavior
8 -- she was running back and forth between the other
9 female on scene and the body, back and forth, trying to
10 press on his chest, wake him up, talk to him -- just to
11 no event.

12 Q And, as far as your conversation with
13 Ms. Read, what, if any, questions did you ask in regard
14 to either demographics or anything else?

15 A I said, do you have any information of who
16 this is, how are they here. I tried to get any type of
17 information we could from her at that time but with no
18 luck.

19 Q When you say "with no luck," what, if any,
20 response did you receive from Ms. Read in regard to
21 your questions?

22 A So the only response that I was personally
23 given was just, I hit him. I hit him. Oh, my God, I
24 hit him.

25 Q And, when she is saying, I hit him, I hit him,

1 oh, my God, I hit him, how loudly is she saying that?

2 A So she was within two feet of me but very
3 loud. Any type of follow-up questioning: did you hit
4 him with your hand, did you kick him, what happened,
5 she just repeated the phrase over and over again, I hit
6 him. I hit him.

7 Q And, just to be clear, where does this
8 conversation occur?

9 A This was as we are bringing equipment over to
10 the patient. The interventions are going to be
11 started, basically whoever gets over to the scene
12 first. I'm trying to gather information as a lead
13 paramedic to try and coordinate interventions and
14 therapy to kind of holistically be the team leader in
15 that situation and treat and transport the patient. So
16 it was on approach to the patient, probably halfway
17 between the ambulance and the patient.

18 Q And, with regard to that treatment of
19 Mr. O'Keefe, and you do reference it earlier being in
20 your report, what were sort of those steps or what, if
21 anything, did you and the other firefighters do with
22 regard to treatment?

23 MR. LALLY: Before you answer that, Your
24 Honor, may I request -- may the witness just refer
25 to his EMS report as he goes?

1 THE COURT: Yes, if need be. Yes.

2 THE WITNESS: Thank you. So I try and
3 document through our flow chart all of the
4 interventions that we are doing. So CPR is
5 obviously going to be our first priority. CPR is
6 initiated, unchanged but successful, and the
7 intervention, itself, no complications.

8 We do our ALS assessment that we talked about
9 of any further indications of this is not a viable
10 arrest. We determined it was a viable arrest, and
11 we move on. We are going to start we refer to it
12 as a bag valve mask, 15 liters per minute on
13 oxygen. The patient is not breathing on their own.
14 So we are trying to assist to ventilate that with
15 high-flow oxygen, as well.

16 An EZ IO, which is a needle we put into the
17 bone of the tibia of the patient. The right tibia
18 was the first one that we put in. We were going to
19 be putting in warm fluid. We have a warmer in the
20 bag to be able to bring up the core temperature.
21 Then we start with epinephrine, 1mg, through that
22 IO.

23 BY MR. LALLY:

24 Q If I could just stop you there for one second.
25 When you say as far as IO and put it into the leg, how

1 is that sort of inserted into the leg of a patient?

2 A So we have two different methods we can do.
3 We have a drill, a power drill, that drills through the
4 outer layer of the bone, into the capillary area of the
5 bone, the soft, spongy material. So we drill through
6 that, or we can do it by hand if that fails.

7 Q When it comes to epinephrine, what is sort of
8 the purpose of that medication and what are you trying
9 to do with that medication?

10 A So that medication will improve -- it's a
11 vasoconstrictor. It will cause the vasculature to
12 constrict. So it will improve the quality or the
13 effectiveness on the cardiac muscle, cardiac
14 vasculature, and cerebral area.

15 Q And, as far as the administration of
16 epinephrine is concerned, is that something that's done
17 once or more than once and is there a protocol for
18 that?

19 A So it's going to be serial, every three to
20 five minutes, during a cardiac arrest, to try and bring
21 him over to the hospital. So it continues that entire
22 time unless there is a rhythm change or that can change
23 the algorithm of how we approach the patient if there
24 is a rhythm regain or return of spontaneous
25 circulation.

1 Q And so how many times or what time was the
2 epinephrine administered via the IO to Mr. O'Keefe?

3 A So I have epinephrine at 6:20, 6:25, 6:30,
4 6:35, 6:40, 6:45.

5 Q And when was that first administered? Would
6 that have been at some point when he was outside of the
7 ambulance, on the ground, or in the ambulance or
8 something else?

9 A It would be dependent on transport time. So
10 first, we were at patient's side at 6:15; transport,
11 6:27. So the best estimation would have been inside
12 the ambulance at that point.

13 Q And I'm sorry I interrupted you before. But
14 after sort of the introduction of the epinephrine,
15 what, if anything, did you and the other firefighters
16 do next?

17 A After the first round?

18 Q Yes.

19 A So the first round of epinephrine, after that,
20 we would drop in what's called an OPA. That would be
21 to push the tongue out of the way, open up the airway
22 to improve our bag valve mask so as an open way to get
23 the oxygen to the lungs.

24 We begin external warming, stripping the
25 patient, getting the heat turned up in the back of the

1 ambulance. We would then switch over from manual CPR
2 done by hand to a mechanical CPR device to ensure
3 adequate consistent CPR, compressions of the chest. It
4 was a Lucas device. So we put that on the patient.
5 And then we continued with another round of epi.

6 The patient is starting to warm up this time.
7 So we would do suction at that point to try and suction
8 fluid out of the airway to improve ventilation efforts.
9 Another round of epi is done, another suction this time
10 through a deep suction via the endotracheal tube. At
11 6:22, after warming, we intubated the patient. We have
12 a 7 1/2 tube to place at 27cm. and then verified through
13 various means, through chest rise, auscultation, wave
14 form and total CO2.

15 So we had complications listed as patient
16 vomiting, aspirating. Suction was then done with a
17 rigid tip suction device. After successful intubation,
18 we then suctioned via French tube through the airway
19 established.

20 I'll jump back up to the 6:31. Another IO
21 line was established on the opposite tibia on the left
22 side, and then another three rounds of epi and then
23 arrival at the hospital.

24 Q Okay. What was the arrival time at the
25 hospital?

1 A At destination was 6:45.

2 Q Okay. And what hospital was that again? I'm
3 sorry.

4 A Good Samaritan Medical Center.

5 Q Now, there is a term that you use in your
6 reports called, and I'll probably butcher this,
7 asystole; is that correct?

8 A Yeah. Asystole is going to be a cardiac
9 rhythm when there is no electrical activity in the
10 heart and is referred to as flatline.

11 Q What, if any, observations did you make in
12 your treatment, diagnosis in regard to Mr. O'Keefe as
13 far as asystole?

14 A So that was the rhythm he was found in. Yeah.
15 From initial rhythm, I have an EKG at 6:32 as asystole.
16 So we basically observed that for any changes, whether
17 it's increase of electrical activity, regaining of
18 active pulses. All that can kind of be hinted at with
19 the cardiac rhythm. And then we would change our
20 rhythm based on whether we go down the Ross protocol or
21 we continue down the cardiac arrest protocol.

22 Q And whether it's on scene or it's in the
23 ambulance, is there sort of a division of task or
24 division of different skill that's being employed in
25 patient care?

1 A So patient care will have to do with the level
2 of training and also proximity on the patient. Where
3 you get into the ambulance is just logistically. If
4 you have the training, it's not a huge open ER. It's a
5 small environment. So we try and not have people jump
6 over each other as best as we can.

7 Q And, if you recall, who was sort of doing what
8 in relation to treatment of this patient, Mr. O'Keefe?

9 A So in the back of the ambulance specifically?

10 Q Yes.

11 A Okay. In the back of the ambulance, Tim
12 Nuttall was managing the airway. I was the team lead
13 that was kind of coordinating all of the interventions.
14 Matt Kelly was assisting in gathering equipment, doing
15 CPR before the mechanical device was placed on.
16 Basically, they act as an assistant to hand equipment,
17 place things in strategic areas around so we can
18 actually work without having to go get those physical
19 things ourselves.

20 Q Now, as far as -- you indicated removal of
21 Mr. O'Keefe's clothing once in the ambulance, correct?

22 A Yes.

23 Q And what was it about sort of the condition of
24 the clothing that led to the removal of that?

25 A So removal of clothing is actually pretty

1 standard for any cardiac arrest, any traumatic
2 injuries. We are basically trying to get further clues
3 because this is all happening very quickly. So we are
4 trying to get more evidence of why are they here. We
5 are looking for extremity injuries, crush injuries,
6 bruising, anything that we could document that we could
7 pass on to the emergency room staff and doctors. So we
8 would strip most patients.

9 Q And, as far as -- were you involved personally
10 as sort of the cutting of the clothing and stripping
11 the patient?

12 A Yes.

13 Q Okay. And, upon removal of the clothing,
14 what, if anything, did you observe as sort of the
15 condition of the clothing or texture of the clothing at
16 that point?

17 A The condition seemed pretty well intact but
18 just wet and cold.

19 Q And what, if any, relationship would the wet
20 and cold clothing have to any of the diagnoses that you
21 were running through in regard to Mr. O'Keefe?

22 A It would really just be the exposure to the
23 weather, would be our biggest trigger off of that or if
24 you had protruding injuries through the clothing,
25 compound fractures. Things like that. The clothing

1 was intact, but we knew it was wet. It was cold.

2 So as we stripped things off of him, we can
3 see underneath, basically, if there are any sub -- not
4 every fracture breaks through the skin. Not everything
5 causes obvious things, obvious signs. So, as we strip
6 the patient, we can begin to further assess.

7 Q Let me take you back just for a second to
8 outside of the ambulance. What, if anything,
9 specifically were you able to observe with reference to
10 any injuries Mr. O'Keefe had sustained?

11 A Injuries are pretty tough to see outside of
12 the ambulance just due to the weather, due to the
13 lighting. We have scene lighting on the ambulance, as
14 well.

15 Q Let me ask you this as far as what, if any,
16 difference did you note between the lighting in the
17 back of the ambulance versus when you were with
18 Mr. O'Keefe on the ground?

19 A So he was still out in the weather at that
20 point. So bleeding wasn't really obvious at that
21 point. As soon as we get him into the back of the
22 ambulance, then we started noticing hemorrhage from
23 different areas of his body.

24 Q And, when you say "hemorrhage from different
25 areas," which areas specifically did you observe?

1 A So mostly from his mouth, his eyes, nose.

2 Q And, just to be clear for the record, when you
3 use the term "hemorrhage," based on your training and
4 experience, what do you understand that term to mean?

5 A Bleeding. External bleeding.

6 Q Now, you mentioned that there was some
7 suctioning of Mr. O'Keefe's airway; is that correct?

8 A Correct.

9 Q And what, if anything, specifically was
10 suctioned from Mr. O'Keefe's airway?

11 A Suctioned from the airway was mostly blood.
12 Blood, sputum.

13 Q And, as far as how much, what, if anything, do
14 you have to sort of measure how much blood was
15 suctioned out of Mr. O'Keefe's airway?

16 A So we have a canister that has marks of
17 milliliters so we determine, as we are suctioning, how
18 much is in that container at different times.

19 Q And about how much based on that was suctioned
20 from Mr. O'Keefe's airway?

21 A Do the initial suctioning with the rigid tip
22 was about 150 milliliters and then subsequently -- so
23 that would have been above the airway, in the mouth, in
24 that type of area. We established the intubation and
25 then deep functioning with that soft tip through the

1 intubation tube would have been another 50 milliliters
2 of fluid.

3 Q Now, with reference to you mentioned some
4 observations of Mr. O'Keefe's back, correct?

5 A What's that?

6 Q You mentioned some observations you made
7 earlier in reference to Mr. O'Keefe's back?

8 A Yes.

9 Q And what were those again?

10 A So that would have been redness of the skin in
11 the posterior of the body.

12 Q What, if any, significance did that have to
13 you as far as your observation of that?

14 A So redness from the skin, if it's general or
15 across the body, can mean certain things. If it's just
16 a particular area and due to the fact that it was cold
17 outside, that would have been the initial stages of
18 frostbite or exposure to cold.

19 Q And, as far as the remainder of Mr. O'Keefe's
20 body, what, if any, other observations did you make and
21 which areas did you make those observations to in
22 regard to the initial stages?

23 A So as far as the cold exposure?

24 Q Yes.

25 A Cold exposure, we're looking at the most

1 exterior parts. Extreme cold exposure can lead to
2 frost nip and frostbite in different areas. The first
3 affected areas are going to be your fingers, your ears,
4 your nose, your toes. That type of -- so that was a
5 cold, waxy, pale, stark white substance, basically, or
6 condition of his skin.

7 Q And on each of those areas that you just
8 described?

9 A Yes.

10 Q Now, sort of up in the area of Mr. O'Keefe's
11 head, you mentioned some bleeding from the eyes and the
12 nose, correct?

13 A Yes.

14 Q As well as his mouth?

15 A Yes.

16 Q And, beyond that, what, if any, observations
17 did you make of any other sort of injuries to his head
18 or his face?

19 A So his eyes were pretty well swollen. We were
20 trying to clear areas of blood to figure out if there
21 were any contusions around the head. I believe there
22 is a contusion on his forehead. He also had some
23 markings on his extremities, as well.

24 Q And, just as far as your understanding based
25 on your training and experience, when you use the word

1 "contusion," what do you understand that to be?

2 A A bruise.

3 Q Before we get to the extremities, what, if
4 any, observations did you make as far as Mr. O'Keefe's
5 abdomen?

6 A The abdomen we noted as significant as
7 distention or swelling of the belly.

8 Q And what, if any, significance did that have
9 to you in regard to Mr. O'Keefe?

10 A It's another of our detailed assessments. We
11 go through the body in a more detailed way to try and
12 find more clues that we can pass on for the assessment.
13 Distention in the belly could be due to trauma or
14 bloating. It could be -- those are usually our biggest
15 triggers for distention.

16 Q Now, you mentioned, as far as the extremities
17 are concerned, what, if anything, did you observe as
18 far as injuries to Mr. O'Keefe's extremities.

19 A So we're looking at -- so we had the cold,
20 rigid fingers, hands, feet. Then we had multiple dry
21 blood, lacerations to the right arm.

22 Q Do you recall specifically where on
23 Mr. O'Keefe's right arm you observed those?

24 A It would have been his upper arm.

25 Q Upper. And you mentioned dried blood; is that

1 correct?

2 A Yes.

3 Q So these were not actively bleeding at the
4 time that you observed them?

5 A No.

6 Q Now, as far as being dried blood versus
7 actively bleeding, what, if anything, does that
8 indicate to you as far as sort of timing?

9 A So we had active bleeding from other areas in
10 the body. So the fact that it had already stopped and
11 clotted, I would assume that would have been several
12 hours before the incident that led him to be there.
13 But I would guess earlier in the evening.

14 Q Now, as far as the history is concerned, your
15 attempts on scene and then what, if any, attempts were
16 made subsequent when you were in the ambulance to
17 obtaining any sort of history of how Mr. O'Keefe came
18 to be there or what, if anything, caused the injuries
19 that you observed?

20 A Once we get the patient into the ambulance,
21 there is no family, no bystanders in the back of the
22 ambulance. So then it's going to be solely based on
23 physical assessment.

24 Q And, within sort of the team of firefighters
25 that you had, who, if anyone, did you direct to try and

1 obtain that information while you were in the back of
2 the ambulance?

3 A That would have been Katie McLaughlin.

4 Q And what did you ask Ms. McLaughlin to do?

5 A So Katie was one of our senior paramedics at
6 the time. So we had enough skilled hands working on
7 the patient at that time. So to direct her -- I wasn't
8 able to get as much information and still had a skill
9 to do or still had a task to do to run the cardiac
10 arrest.

11 So I pushed -- I didn't push. I directed
12 Ms. Read over to Katie to try and gather more
13 information as to why they were there, if you could get
14 any more information about who he was, events leading
15 to the jury, how long he was down for, any type of
16 information and then moved on to the patient at that
17 point.

18 Q And so Firefighter McLaughlin is having this
19 conversation outside of the ambulance; is that correct?

20 A That's correct.

21 Q And this is going on while you're inside of
22 the ambulance, actively treating Mr. O'Keefe?

23 A It was a very quick process. So I start the
24 conversation. It wasn't productive. It wasn't moving
25 forward. I moved her over to Firefighter McLaughlin,

1 continued on to the patient and then started treatment,
2 moved the patient in and then Katie came into the back
3 of the ambulance to help. So it was a very quick
4 process.

5 Q Now, as far as Mr. O'Keefe's eyes were
6 concerned, what, if any, observations further did you
7 make as far as Mr. O'Keefe's eyes?

8 A So both eyes were swollen and bleeding.

9 Q And what, if any, observations were you able
10 to make of his pupils?

11 A I'm sorry. What?

12 Q Pupils.

13 A Pupils. So I have it documented as 4mm and
14 nonreactive.

15 Q What, if any, significance is those
16 observations as far as 4mm and nonreactive?

17 A So we are looking for quality between the two.
18 So signs of bleeding can be demonstrated by unequal
19 pupils or if they were restricted would lead us to
20 believe it was as a result of an opioid interaction.
21 But we're looking at whether they react to light, as
22 well, if there's brain activity. If there's still
23 something causing the body to react, you'll have some
24 type of pupillary response. So we shine a light.
25 There was no response. It was fixed and at 4mm.

1 Q Now, at some point, you leave the scene in
2 route to Good Samaritan; is that correct?

3 A That's right.

4 Q And who is continuing treatment of Mr. O'Keefe
5 in the back of the ambulance during transport?

6 A So at the back of the ambulance at transport,
7 Firefighter Kelly, Firefighter Nuttall and myself.

8 Q And who, if anyone was driving in the
9 ambulance between Fairview and Good Samaritan?

10 A So that would be determined by basically just
11 positioning on the engine. So the step driver for that
12 position would then drive as the detail person over to
13 the ambulance, and that was Firefighter McLaughlin.

14 Q Now, during the transport from Fairview to
15 Good Samaritan, what, if anything, are you and the
16 other firefighters in the back of the ambulance doing
17 as far as continuing treatment of Mr. O'Keefe?

18 A We started transport at 6:27. So between 6:27
19 and 6:45, treatments included epinephrine, additional
20 suctioning, managing the airway, placing another
21 intraosseous line, and then three additional rounds of
22 epinephrine while the mechanical CPR is continuing CPR.

23 Q And, during the course of the transport, what,
24 if any, changes in Mr. O'Keefe's status as far as the
25 cardiac arrest or the breathing occurred during the

1 transport?

2 A No change.

3 Q Now, that time that it took to get from
4 Fairview to Good Samaritan, is that sort of a typical
5 transport time?

6 A Not normally. Due to the weather, it was
7 pretty slow driving. Even though the ambulance is a
8 smaller vehicle than the engine, slow transport
9 compared to normal.

10 Q And, during the course of the transport, what,
11 if any, communication are you having with Good
12 Samaritan in regard to Mr. O'Keefe and his eventual
13 arrival there?

14 A Every medical that goes on, we try to give the
15 hospital staff a head's-up, basically, of what's coming
16 in. We'll have different alerts that we give them,
17 whether it's a cardiac arrest, a stroke, a STEMI to
18 have certain appropriate teams come in and be ready,
19 whether it's a trauma alert. There's different
20 specialties within the hospital that will treat those
21 particular different cases. So we will call them five
22 to 10 minutes prior to give that team time to get down
23 to the emergency room to get ready for work.

24 Q And, when you arrived at Good Samaritan, who,
25 if anyone, were you met by and sort of what happened

1 with regard to Mr. O'Keefe at that point?

2 A So we're continuing interventions from the
3 ambulance through the bay, into their code room, where
4 they are met by registration, a registered nurse and
5 the doctor that took care of the patient, as well as a
6 team of other assistants and CNAs.

7 Q And where do you sort of -- do you physically
8 go with Mr. O'Keefe or how does that work?

9 A Yes. So that's referred to as a transfer of
10 care. So there is different people, like I said, at
11 the team base where different people are in charge of
12 different things. You'll have the nurse in charge.
13 That's in charge of documenting our interventions that
14 have been done so far, the time we're down, the patient
15 was down. And then she starts documenting all of the
16 different interventions that were done by the hospital
17 staff, as well.

18 We also give a report to the doctor who is
19 taking over as lead for the cardiac arrest. They are
20 going to start issuing orders for the patient in
21 treatment. And then you have registration that will
22 get the information to register the patient that they
23 can tie all of their interventions to.

24 Q And, during that sort of process of exchange
25 of information and things of that nature, what, if

1 anything, did you learn in regard to the sort of core
2 body temperature of Mr. O'Keefe?

3 A So at that assessment, I believe he had core
4 body temp of 80 degrees.

5 Q And what, if any, significance does that have
6 in regard to sort of the typical core body temperature?

7 A The typical core body temperature is going to
8 be in the high 90s, where body temperature being at 80
9 with a rectal temp, a core temp, is going to be extreme
10 hypothermia.

11 Q Now, your records -- for a certain amount of
12 time, correct, before you clear?

13 A Correct.

14 Q And, at that point in time, while your records
15 -- that initial time, what, if anything, did you learn
16 as far as Mr. O'Keefe's status or what had happened to
17 Mr. O'Keefe?

18 A As we talked about before with hypothermia and
19 the extreme cold, we're going to work that for an
20 extended period of time. Most cardiac arrests I will
21 try and hang out by the patient or in the area. As
22 new staff come through, different things are found.
23 The doctors and nurses might have follow-up questions.
24 So I try to stay available as an asset that they can
25 bounce those questions off at least for 10, 15 minutes

1 afterwards to make sure the whole process is completely
2 transferred from all the interested parties.

3 Q And, during that course of time, what, if
4 anything, did you learn as sort of the eventual status
5 of Mr. O'Keefe?

6 A We didn't learn anything while we were at the
7 hospital. We then cleared the hospital, returned back
8 to quarters to decon the ambulance and to replenish all
9 the equipment that we had used, get back in service and
10 move on with the shift.

11 Q And, at some point during the course of the
12 shift, did you have occasion to go back to Good
13 Samaritan?

14 A Me, personally, no. It would have been for an
15 additional medical call if there is any calls for
16 service afterwards.

17 Q And do you recall whether or not you went back
18 to Good Samaritan for any additional medical calls or
19 anything of that nature?

20 A I don't recall.

21 Q Sir, if I could direct your attention to the
22 screen just over there.

23 MR. LALLY: Ms. Gilman, if I could please have

24 Exhibit No. 9?

25 BY MR. LALLY:

1 Q And, sir, directing your attention to what's
2 been previously marked as Exhibit No. 9 up on the
3 screen, do you recognize what's in the photograph?

4 A The house.

5 Q Is that the house that you responded to; is
6 that correct?

7 A That's correct.

8 MR. LALLY: Ms. Gilman, if I could have
9 Exhibit No. 14.

10 BY MR. LALLY:

11 Q And, again, sir, what's up on the screen, do
12 you recognize what that is?

13 A I see blood, snow, general area.

14 MR. LALLY: And, lastly, Ms. Gilman, if I
15 could have Exhibit No. 18.

16 BY MR. LALLY:

17 Q Firefighter Flematti, do you recognize what's
18 depicted up on the screen as Exhibit No. 18?

19 A Yes.

20 MR. LALLY: May I approach the witness, Your
21 Honor?

22 THE COURT: Yes.

23 BY MR. LALLY:

24 Q Sir, I'm going to hand you a laser pointer.
25 Basically, just press on this button here and point in

1 this direction toward the screen.

2 So, Firefighter Flematti, within this
3 photograph on the screen, Exhibit 18, do you see the
4 area in which you observed Mr. O'Keefe supine on the
5 ground when you first arrived?

6 A Yes.

7 Q And, using that laser pointer, could you
8 direct the jury's attention to where in this photograph
9 you observed Mr. O'Keefe when you initially arrived?

10 A Initially arrived would have been in this
11 area.

12 Q Thank you, sir.

13 MR. LALLY: May I have just one moment, Your
14 Honor?

15 THE COURT: Yes.

16 MR. LALLY: I have nothing further for this
17 witness at this time, Your Honor.

18 THE COURT: All right. Cross-examination?

19 MR. JACKSON: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. LALLY:

22 Q Good morning.

23 A Good morning.

24 Q I'd like to start sort of at the beginning.
25 When you first arrived at the location, you indicated

1 that you could, in fact, see the body from your
2 perspective, correct?

3 A I could see a body, yes.

4 Q And I think you indicated the shape of a body?

5 A Yes.

6 Q You couldn't tell if it was female or male?

7 A No.

8 Q But obviously looked like a human figure?

9 A Yes.

10 Q Okay. That drew your attention to the left
11 side of the ambulance as you were approaching, correct?

12 A Yes.

13 Q And you're sitting on the right side, which
14 means you're the furthest away from that figure from
15 the perspective of the ambulance?

16 A In the ambulance, yes.

17 Q And you had no problem making out that figure
18 in the snow?

19 A The figure in the snow, we had a good distance
20 between the ambulance and the engine. So yes.

21 Q Okay. And you indicated that the figure in
22 the snow was on top of the snow, if you will, with some
23 snow accumulating at the body of the individual?

24 A Yes, sir.

25 Q But he was not covered with snow?

1 A No.

2 Q It was like a mound of snow over this figure?

3 A There were mounds of snow in the area but not
4 over the patient. Due to the wind, there were snow
5 drifts in the area.

6 Q And his clothes were dark as compared to the
7 white snow?

8 A Yes, sir.

9 Q All right. I want to ask you a couple of
10 quick questions about some of the last conversation you
11 had with Mr. Lally about the injuries.

12 You did note a -- that Mr. O'Keefe had a
13 laceration over his right eye, correct?

14 A Over his right eye?

15 Q Over the right eye.

16 A There was a contusion over the eye.

17 Q Okay. And your definition of a contusion is?

18 A Bruising.

19 Q Was it also swollen?

20 A There was swelling around the eyes and a
21 little bit of contusing and bruising around.

22 Q Did you see an actively bleeding laceration
23 over his right eye?

24 A I don't recall.

25 Q You don't remember that? Okay.

1 What about his left eye?

2 A Both eyes were pretty well swollen shut.

3 Q What about not from the nostrils but on the
4 skin on the nose? Did you note a laceration or
5 multiple lacerations on the nose?

6 A So due to the bleeding that was coming from
7 the orifices, trying to clean the area and find exactly
8 where it's from is something difficult. So we can just
9 say there was bleeding in that area.

10 Q Okay. So you can't define -- as you sit here,
11 you don't remember if it was bleeding from the nostril
12 or from a laceration on the nose?

13 A I believe it was the nostrils.

14 Q Okay. Are you saying that there was no
15 laceration on the skin of the nose or you just don't
16 recall it?

17 A On the top of the nose? No. I don't
18 remember.

19 Q I'm sorry?

20 A On the top of the nose, I don't recall.

21 Q You don't recall. Okay.

22 With regard to his abdomen, you indicated that
23 it was distended, the medical term for swollen?

24 A Yes.

25 Q You said that that could be from trauma or it

1 could just be bloating, correct?

2 A Correct.

3 Q Did you notice any contusions on his abdomen?

4 A No.

5 Q Any skin that was abraded or cut?

6 A No.

7 Q So there was no bruising, no contusion but
8 there was a distention, correct?

9 A Yes.

10 Q So there was no visible trauma to the abdomen?

11 A Visible trauma doesn't really matter to
12 internal trauma. It's not always indicative one way or
13 the other.

14 Q So my question was did you see any visible
15 trauma on his abdomen?

16 A No.

17 Q But you did noted that it was bloated?

18 A That it was distended.

19 Q I want to talk to you for a second about, if I
20 could shift gears, about the conversation that you
21 indicated to Mr. Lally that you had with Ms. Read.

22 You were also asked about that conversation at
23 the grand jury when you testified, correct?

24 A Correct.

25 Q You testified that as the lead paramedic, you

1 were specifically trying to get as much information
2 from my client, Ms. Read, as you possibly could
3 concerning the victim and how the victim ended up being
4 there, correct?

5 A Yes.

6 Q You indicated in no particular order that you
7 asked questions like how do you know him, correct?

8 A Correct.

9 Q How did he get here, what happened?

10 A Correct.

11 Q Is there any additional information you can
12 give me about what happened to this person?

13 A Correct.

14 Q Okay. So that was a conversation that you
15 were personally engaged in with my client in order to
16 gather as much data, if you will, about what you were
17 dealing with, correct?

18 A Correct.

19 Q But your focus was when you first arrived,
20 your focus is, I need to attend to the patient,
21 correct?

22 A Correct.

23 Q Like conversations notwithstanding, I need to
24 deal with what's in front of me, which is an
25 unconscious man in the snow?

1 A Correct.

2 Q Dressed inappropriately?

3 A Correct.

4 Q And possibly freezing to death?

5 A Correct.

6 Q But you did say that you had enough of a
7 conversation with Ms. Read that she answered you and
8 said something to the effect of, I hit him. Oh, my
9 God, I hit him?

10 A Correct.

11 Q So then you followed up on that conversation,
12 correct?

13 A As much as I could, yes.

14 Q As a matter of fact, you said that you asked
15 her additional elaborating questions?

16 A Correct.

17 Q Well, did you hit him in the face, or did you
18 kick him? Did you hit him with your hand?

19 A Yup.

20 Q Okay. So that's a conversation that you're
21 having with Ms. Read face to face?

22 A Correct.

23 Q You are talking to her. You're looking her in
24 the eyes. She's looking you in the eyes. You're
25 standing still. And you're attempting, as best you

1 can, to converse with this woman so that you can gather
2 as much information as you possibly can as you tend to
3 the victim?

4 A Correct.

5 Q You indicated that that conversation lasted
6 long enough that the conversation was frustrated by the
7 fact that you weren't getting information that was
8 helpful to you. So you turned that conversation over
9 to Katie McLaughlin?

10 MS. MC LAUGHLIN: Objection.

11 THE COURT: Sustained.

12 BY MR. JACKSON:

13 Q Was your conversation in some way in your mind
14 -- and, when I use the word "frustrated," I mean you
15 weren't getting the information that you were seeking,
16 correct?

17 A It wasn't productive.

18 Q Okay. Better way to put it. I'll use your
19 word.

20 That conversation was unproductive enough that
21 you then moved the conversation over to Ms. McLaughlin,
22 correct?

23 A Correct.

24 Q Firefighter McLaughlin.

25 A Yes.

1 Q And, once Firefighter McLaughlin engaged
2 Ms. Read, you then began to attend to the patient
3 again?

4 A So the patient was already being treated by
5 the other personnel on scene.

6 Q Okay.

7 A I started the conversation, realized it wasn't
8 going anywhere. I had other responsibilities.
9 Regardless of how they ended there, they still needed
10 treatment.

11 Q Of course.

12 A And transport. So that began my priority and
13 moved her over to try and get as much information while
14 treatment was being done.

15 Q What part of the treatment were you
16 responsible for?

17 A All of it.

18 Q Sorry. That is a great answer to a very vague
19 question.

20 What physically were you doing with
21 Mr. O'Keefe?

22 A In which particular moment?

23 Q When you first arrived and attended to him and
24 physically touched him, in other words, were you the
25 airway or person, were you the cardiac person? Were

1 you doing chest compressions? Were you squeezing the
2 bag?

3 A I would have been doing the chest compressions
4 initially until I could delegate that task to somebody
5 else.

6 Q Okay. And chest compressions -- I'm going to
7 butcher this because I've never been trained other than
8 my little toddler. They look a little like what I'm
9 doing now, correct?

10 A Correct.

11 Q And I indicated one palm over my hand, arms
12 extended, and you can see my shoulders moving up and
13 down in a rhythmic fashion, correct?

14 THE COURT REPORTER: I didn't get an answer.

15 Correct?

16 THE WITNESS: Yes.

17 BY MR. JACKSON:

18 Q What were you wearing?

19 A What was I wearing? My uniform.

20 Q You didn't expect that one, did you?

21 A That was different. A heavy winter coat.
22 Uniform.

23 Q Do paramedics sometime wear bright yellow for
24 safety?

25 A Yes.

1 Q Were you wearing a bright yellow, heavy winter
2 coat?

3 A I don't recall. I have a few different coats.

4 Q Got it. Got it. Do you remember what
5 Ms. McLaughlin was wearing?

6 A I don't.

7 Q Okay. That conversation that you had with
8 Ms. Read at the scene, that had to have lasted -- I'm
9 not guessing it was very long, but it had to have
10 lasted a minute?

11 A At most, yes.

12 Q At most? Once you finished your conversation
13 with Ms. Read, did you then start attending
14 specifically to the chest compressions and the high-
15 level CPR that we've heard so much about from your
16 colleague?

17 A Yes.

18 Q As you're doing the CPR on the scene, that
19 high-level CPR, high-quality CPR, was Mr. O'Keefe then
20 moved to the scoop, which would then facilitate getting
21 him on a gurney?

22 A Correct.

23 Q That gurney was then moved between a couple of
24 patrol cars, cruisers, and into the ambulance, correct?

25 A Correct.

1 Q Once you were in the ambulance, the first
2 priority is to get this person warm; is that right?

3 A The first priority is always going to be CPR.
4 The secondary would be getting them warmed up.

5 Q Okay. So obviously when you got into the
6 ambulance, you shut the doors?

7 A Correct.

8 Q There is a heater on in the ambulance?

9 A Yes.

10 Q You never came back out of that ambulance
11 after you got Mr. O'Keefe into the ambulance, did you?

12 A No.

13 Q And you were in there with Firefighter Nuttall
14 at the time?

15 A Nuttall and Kelly.

16 Q And Firefighter McLaughlin was outside the
17 ambulance doing whatever she was doing?

18 A Correct.

19 Q Okay.

20 A Initially, and then she came in afterwards.

21 Q Obviously.

22 A Yes.

23 Q And did I hear you correctly? When
24 Firefighter McLaughlin got in the ambulance, she took
25 over the driving responsibilities?

1 A So there's two different compartments.
2 They're not connected. There's a little window between
3 the two areas. So she assisted with interventions in
4 the back. And then after we had established everything
5 we needed to on scene to begin transport, she then got
6 out and then started driving.

7 Q Got it. Thank you.

8 I'd like to play -- first, I'd like to have
9 marked, and I think it's already been marked, Exhibit
10 379. It is a video, a snippet of a video. It's
11 probably only three minutes long. It's not really that
12 long. I'd like to play that portion of the video for
13 you. And, when it's done, Firefighter Nuttall -- not
14 Firefighter Nuttall. I'm sorry. I'm looking at the
15 wrong notes. Firefighter Flematti, which is not that
16 easy to say --

17 A You're doing a great job.

18 Q -- I'm going to ask you to show me exactly
19 where on the video, if you can, that you have this
20 conversation --

21 A With the laser pointer?

22 Q -- with my client. Yes. Use the laser
23 pointer as you wish. This is, just to orient you, if I
24 may, Your Honor, the top. Let me see if I can do this.
25 Here we go. The top is the dash cam from one cruiser.

1 THE COURT: I want to see counsel at sidebar
2 for one second.

3 (Whereupon, there was a sidebar conference as
4 follows:)

5 THE COURT: All right. So what are we looking
6 at? You said Exhibit 379.

7 MR. JACKSON: Yes.

8 MS. LITTLE: It's premarked and stipulated.

9 THE COURT: I know. I just want to know what
10 this is.

11 MR. JACKSON: So I expect there's going to be
12 some real different versions throughout the trial.
13 The top is the dash cam from Saraf, which he's
14 already testified to. The bottom is the dash cam
15 from Goode, which he will testify to and Saraf
16 indicated was consistent with Goode's vehicle
17 pulling up behind him, and they've been
18 synchronized.

19 THE COURT: All right. I don't want you
20 telling the jury all of this, showing what's up
21 there and asking him what he sees, not this big,
22 long preface of what it is.

23 MR. JACKSON: Can I orient him that they are
24 two different dash cams?

25 THE COURT: You can say that, the Saraf dash

1 cam, dash cam.

2 MR. JACKSON: If the Court is satisfied --

3 THE COURT: Show it without comments.

4 MR. JACKSON: That's fine. That's fine.

5 (Whereupon, the sidebar conference concluded.)

6 BY MR. JACKSON:

7 Q Until we pause it, I am going to ask you to
8 focus your attention on the top of the dash cam video.

9 (Whereupon, the video was put up.)

10 MR. JACKSON: Can you pause it?

11 THE COURT: Actually, I need to see counsel at
12 sidebar.

13 (Whereupon, there was a sidebar conference as
14 follows:)

15 THE COURT: All right. There is one exhibit.
16 It's a compilation. It's a manmade exhibit, right?

17 MR. JACKSON: Yes.

18 THE COURT: So I'm not sure I want to let all
19 of these manmade exhibits like this in. I
20 understand that there are 600 exhibits and there's
21 probably 100 exhibits of snow. There are a lot of
22 things that I have not seen. So just because you
23 all agree doesn't mean things are permitted as
24 exhibits. Okay?

25 So you're asking him to focus on the top but

1 you're still pointing at the bottom. What is the
2 purpose of doing this?

3 MR. JACKSON: Once the bottom exhibit, which
4 is synchronized with the top, once he makes his way
5 to the stand, I'm going to ask him a couple of
6 questions about the bottom and whether or not he
7 recognizes the individuals only and --

8 THE COURT: Well, pointing to the top and
9 asking him to focus on the top --

10 MR. JACKSON: I am asking him to focus on the
11 top first. And then I will ask him to refocus on
12 the bottom as the video continues to play.

13 THE COURT: We will do this once. If we need
14 to take a break and I need to see all of the
15 manmade exhibits -- if this were not favorable to
16 the defense and the Commonwealth wanted to do it
17 and you moved to keep it out, I would keep it out.
18 So I just need to see it. It may break the rhythm.
19 Do you plan to do more than this during the cross
20 of this witness?

21 MR. JACKSON: No. I am doing one three-minute
22 video. That's it.

23 THE COURT: I'm going to watch this, and just
24 be very careful about the commenting.

25 MR. JACKSON: Sure.

1 THE COURT: I would have loved to have seen
2 these things earlier.

3 MR. JACKSON: We can make a habit of showing
4 them. I have no problem with that.

5 MS. LITTLE: We provided them to the
6 Commonwealth and they stipulated to them.

7 THE COURT: I still need to let them into
8 evidence. And this is evidence not typically done.
9 So again, if it had been harmful to the defendant
10 and the Commonwealth tried to do it, even if you
11 agree, as gatekeeper, I would keep it out.

12 MR. JACKSON: Understood.

13 THE COURT: Okay. So go ahead and do it on
14 this one, but we're going to need a break to see
15 them before any other put-together compilation is
16 put in.

17 MR. JACKSON: Sure. Understood.

18 (Whereupon, the sidebar conference concluded.)

19 THE COURT: Folks, we'll take a 15-minute
20 recess.

21 (Whereupon, the jury is escorted from the courtroom
22 for a brief recess.)

23 THE COURT: Counsel, I'll just see you both.

24 (Whereupon, there was a sidebar conference as
25 follows:)

1 THE COURT: So we've got a jury trial going in
2 the first session courtroom. [REDACTED]

3 Court Order: Jurors or Juror Issues
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 THE COURT: So when something like this
11 happens, it will sort of be an abrupt recess.

12 MR. JACKSON: Keep everybody --

13 THE COURT: Yes. They just open the door so
14 people can go out.

15 MR. JACKSON: Okay.

16 THE COURT: Why don't I watch this? How long
17 is this? Three minutes? Why don't I watch this
18 now.

19 THE COURT REPORTER: Closer, please.

20 THE COURT: You need to come close.

21 MR. JACKSON: I was reminded -- I'm happy to
22 play the three minutes. This has already been, not
23 this particular video, but we have a synchronized
24 video, I think, all ready with Goode and Saraf's
25 videos.

1 THE COURT REPORTER: One at a time, counsel.

2 THE COURT: And, Ms. Little, I appreciate --
3 if Mr. Lally is questioning a witness, you can't
4 object.

5 MS. LITTLE: Okay.

6 THE COURT: You can certainly reach over and
7 tell him to object but you can't object.

8 MS. LITTLE: Okay

9 THE COURT: Just as this is Mr. Jackson's
10 witness. I'd like to see this.

11 MR. JACKSON: Sure.

12 THE COURT: We will ask the witness to step
13 out.

14 (Whereupon, the witness exited the courtroom and
15 the sidebar conference concluded.)

16 (Whereupon, the video is viewed.)

17 MR. JACKSON: That is the extent or
18 approximately the extent of the length of the
19 video, the clip, that I was going to play.

20 THE COURT: Okay. So we will take a 10-minute
21 recess.

22 MR. JACKSON: Thank you, Your Honor.

23 (Whereupon, a brief recess is taken.)

24 (Court resumes.)

25 (Defendant present. Jury present.)

1 (Whereupon, there was a sidebar conference as
2 follows:)

3 THE COURT: All right. So I noticed that it
4 said six minutes and something up there, the two of
5 them. The witness testified to a one-minute
6 conversation. You're going to show a three-minute
7 snippet.

8 So you have premarked exhibits. That doesn't
9 mean they are in evidence. So you still have to
10 introduce those into evidence. So you have to lay
11 a foundation. Before you can say, I'm going to
12 show you this and where in this did this
13 conversation take place, he has to acknowledge that
14 it did take place in there. And, if it doesn't,
15 it's not coming in.

16 MR. JACKSON: I'll lay a foundation.

17 THE COURT: Okay. So you need to -- but there
18 was a confusion about you premarked 600 exhibits.
19 That doesn't mean they are in. So far there are
20 maybe 15 exhibits in evidence.

21 MR. LALLY: Your Honor, may I talk with Mr. --

22 THE COURT: You can go ahead and talk. Let's
23 save the time. What do you want to say?

24 MR. LALLY: No. I just wanted him to relate
25 something to the Court. With regard to Saraf, that

1 is in evidence. With regard to Goode, that video
2 will be in evidence --

3 THE COURT: But it's not now.

4 MR. LALLY: I understand.

5 THE COURT: And it won't be until I let it in.
6 Do you understand that.

7 MR. LALLY: I completely understand that. My
8 request to Mr. Jackson would be that it be admitted
9 de bene given that we fully expect it will be
10 admitted, good will.

11 THE COURT: We are not going to do that with
12 600 exhibits.

13 MR. LALLY: No, no.

14 THE COURT: But, for ease of doing this today,
15 they may both be in. But, if this witness doesn't
16 acknowledge that it occurred anyway on that before
17 you ask him compound questions, it's not really
18 clear what his answer is. You need to lay the
19 foundation to get it in now.

20 MR. JACKSON: Right.

21 (Whereupon, the sidebar conference concluded.)

22 BY MR. JACKSON:

23 Q Firefighter Flematti, I want to draw your
24 attention to the top video. I may pause it and ask you
25 a couple of questions.

1 (Whereupon, the video is played.)

2 MR. JACKSON: Pause it.

3 (Whereupon, the video is paused.)

4 BY MR. JACKSON:

5 Q Did you see a person run into the screen?

6 A Yes.

7 Q Run into the frame, rather, from the screen
8 left?

9 A Yes.

10 Q Who is that?

11 A I don't recall.

12 MR. JACKSON: Continue to play. And pause.

13 (Whereupon, the video is played and paused.)

14 BY MR. JACKSON:

15 Q I want to draw your attention to the left side
16 of the top video. Did you see somebody wearing a
17 bright yellow jacket?

18 A If you could rewind it, I'd look at that area.

19 Q Why don't I play it forward and see if you
20 see that.

21 (Whereupon, the video is played and paused.)

22 THE WITNESS: Yes.

23 MR. JACKSON: Pause it.

24 BY MR. JACKSON:

25 Q And do you recognize that person?

1 A I see a yellow jacket. I can't tell you who
2 it is.

3 Q Okay. Based on your memory -- have you seen
4 this before, by the way?

5 A No.

6 Q Okay. Based on your memory, is that the
7 approximate position that Mr. O'Keefe was in when you
8 or any of your colleagues made contact with him?

9 A Approximately. I'd say a little bit more to
10 the left.

11 Q Okay.

12 (Whereupon, the video is played and paused.)

13 MR. JACKSON: Pause it.

14 BY MR. JACKSON:

15 Q Did you see the person enter from the screen
16 left into the frame?

17 A It looks like a different person. Yes.

18 Q And that person right there, it looks like a
19 long-haired female?

20 A Yes.

21 Q Does that appear to be my client?

22 A From this angle, I couldn't tell you.

23 MR. JACKSON: Go ahead and play it.

24 (Whereupon, the video is played and paused.)

25 MR. JACKSON: Pause.

1 BY MR. JACKSON:

2 Q Do you see the person wearing yellow right
3 there on the side screen?

4 A If you're telling me that's a person, sure.

5 Q Okay.

6 THE COURT: No. He's not telling you. So ask
7 the question. If you don't see it, you don't see
8 it. If you do, you do.

9 BY MR. JACKSON:

10 Q Does it appear --

11 A I can't tell what that shape is.

12 Q Can you take a look or keep your eyes focused
13 on that and tell me if you see that figure doing
14 anything?

15 (Whereupon, the video is played.)

16 MR. JACKSON: Pause it.

17 BY MR. JACKSON:

18 Q Okay. Do you recognize that figure now?

19 A I can't recognize the figure. It looks like
20 an up-and-down rhythmic motion that would indicate CPR.

21 Q Okay. Would that be you?

22 A I couldn't tell you. Is the time accurate?
23 There's 6:13.

24 Q I'm just asking you what you recognize on the
25 video?

1 A I couldn't tell you if that was myself or not.

2 Q Was there somebody else doing CPR?

3 A Multiple people rotate through CPR. So yes.

4 Q Who is responsible for doing chest

5 compressions?

6 A Whoever is closest to that area. We are all

7 trained for that.

8 Q Okay. I'm asking in this particular case.

9 A Yeah.

10 Q We know everybody is trained. Didn't you
11 testify earlier that you were the ones doing the chest
12 compressions?

13 A I said I was one of them.

14 Q Okay. Does that appear to be you doing the
15 chest compressions?

16 A It could be. I'm not sure.

17 MR. JACKSON: Okay. Let's go ahead and play.

18 (Whereupon, the video is played and paused.)

19 MR. JACKSON: Okay. Stop it.

20 BY MR. JACKSON:

21 Q Do you see the person basically in the middle
22 of the screen there?

23 A Yes.

24 Q Does that appear to be my client?

25 A I couldn't tell.

1 MR. JACKSON: Go ahead and play it.

2 (Whereupon, the video is played and paused.)

3 MR. JACKSON: Pause it.

4 BY MR. JACKSON:

5 Q Do you see individuals entering from screen
6 right?

7 A Yes.

8 Q Who does that appear to be in the yellow
9 jacket?

10 A That build would have been probably -- it
11 could have been Firefighter Kelly or it could have been
12 McLaughlin.

13 Q Who is the person trailing the gurney to the
14 right?

15 A I can't tell.

16 MR. JACKSON: Okay. Let's go ahead and play
17 it.

18 (Whereupon, the video is played and paused.)

19 MR. JACKSON: Pause it.

20 BY MR. JACKSON:

21 Q I know that the person in a hood just obscured
22 that figure. Did you see that figure standing on the
23 other side of the person in the hood?

24 A No.

25 MR. JACKSON: Okay. Go ahead and play it.

1 (Whereupon, the video is played and paused.)

2 MR. JACKSON: Pause it.

3 BY MR. JACKSON:

4 Q The activity that's going on just to sort of
5 the left side of the SUV in the frame, can you describe
6 to the jurors what that activity is?

7 A So that would be lowering the stretcher to get
8 ready to load the patient.

9 MR. JACKSON: Okay. Go ahead and play.

10 (Whereupon the video is played and paused.)

11 MR. JACKSON: Let's pause it.

12 BY MR. JACKSON:

13 Q Now, this person now appears to be facing the
14 camera. Do you now recognize that person?

15 A I don't.

16 MR. JACKSON: Okay. Go ahead.

17 (Whereupon, the video is played and paused.)

18 MR. JACKSON: Pause.

19 BY MR. JACKSON:

20 Q Can you focus your attention on that
21 individual in the yellow jacket?

22 A Yes.

23 MR. JACKSON: Go ahead and play it.

24 (Whereupon, the video is played and paused.)

25 MR. JACKSON: Pause it.

1 BY MR. JACKSON:

2 Q What does that person seem to be doing?

3 A CPR.

4 Q Which part of the CPR? Chest compressions or
5 breathing?

6 A Chest compressions.

7 Q Sorry. I didn't mean to talk over you.

8 A That's okay.

9 Q I want to make sure that Nancy can get down
10 what we are both saying.

11 So which part of the CPR?

12 A Chest compressions.

13 Q Thank you. Is that you?

14 A I don't know.

15 Q Okay. At this point, you have no idea whether
16 or not -- you don't remember you were the one doing
17 chest compressions when he was moved from the ground to
18 the gurney?

19 A I don't recall.

20 Q But you did earlier testify you were doing
21 chest compressions?

22 A I did at some point during this call, yes.

23 Q Okay. In the entire length of this video, did
24 you see anybody else trade off from that person doing
25 the chest compressions from the time that person was on

1 the ground and to the gurney, or is that the same
2 person?

3 A It could be the same person. I'm not sure.

4 Q Okay. Would you say that's probably you?

5 MR. LALLY: Objection, Your Honor.

6 THE COURT: Sustained. Jurors, disregard
7 that.

8 (Whereupon, the video is played and paused.)

9 MR. JACKSON: Pause it.

10 BY MR. JACKSON:

11 Q I want to direct your attention to this person
12 that appears to be a firefighter in the middle. Do
13 you see that person?

14 A Yes.

15 Q Who is that?

16 MR. LALLY: Objection. May we approach?

17 THE COURT: The objection is sustained. I'll
18 see counsel at sidebar.

19 (Whereupon, there was a sidebar conference as
20 follows:)

21 THE COURT: What do you want to say,
22 Mr. Lally?

23 MR. LALLY: Your Honor, so what I think
24 counsel can do is counsel can direct the witness's
25 attention to a particular part of a video or a

1 particular point on the screen and, ask them if
2 they know where that is or if they recognize what
3 that is. But describing it to him and then asking
4 him to confirm it I think is improper.

5 So the testimony has to come from the witness,
6 not from counsel.

7 MR. JACKSON: That is completely untrue. This
8 is cross-examination. So I am allowed to lead the
9 witness.

10 THE COURT: You can lead the witness but not
11 on something he is not adopting at all. You cannot
12 narrate this video and that's what you're doing.

13 MR. JACKSON: I'm leading the witness, asking
14 him does that appear to be you? Does that appear
15 to be somebody else? And I will leave with the
16 answer that there is --

17 THE COURT: And then you said this is a
18 firefighter. It's a yellow jacket. So
19 *Commonwealth versus Pleas* is an important case on
20 these issues. You've got a video up. The video
21 speaks for itself. A lot of what you're doing is
22 improper.

23 MR. JACKSON: Your Honor --

24 THE COURT: Excuse me. But there has only
25 been one objection and I am sustaining that

1 objection. You can go back and do it properly.

2 MR. JACKSON: Okay.

3 (Whereupon, the sidebar conference concluded.)

4 MR. JACKSON: May I, Your Honor?

5 THE COURT: Yes.

6 BY MR. JACKSON:

7 Q Take a look at the person or the yellow in the
8 middle of the screen. Do you recognize that?

9 A As a fire jacket and build. I would guess it
10 was either Firefighter Kelly or --

11 THE COURT: So we don't want you to guess.

12 THE WITNESS: My best estimation would be
13 Firefighter McLaughlin.

14 BY MR. JACKSON:

15 Q Firefighter McLaughlin?

16 A Yes.

17 MR. JACKSON: Okay. Go ahead and play.

18 (Whereupon, the video is played and paused.)

19 MR. JACKSON: Pause.

20 BY MR. JACKSON:

21 Q Do you recognize the person in the yellow
22 jacket to the right of who you just described as
23 Firefighter McLaughlin?

24 A No.

25 Q Okay. What is that person doing apparently?

1 A My guess would be -- I'm sorry to guess.

2 THE COURT: Not even an estimate. Do you
3 know?

4 THE WITNESS: I don't.

5 THE COURT: Next question.

6 MR. JACKSON: Go ahead and play.

7 (Whereupon, the video is played and paused.)

8 MR. JACKSON: Pause.

9 BY MR. JACKSON:

10 Q At that point, did you join your colleagues in
11 placing Mr. O'Keefe into the ambulance?

12 A Yes.

13 Q Okay. Based on that, did that appear to be
14 you following the gurney, in the yellow jacket, over to
15 the ambulance?

16 A Yes.

17 Q And who was the lead -- when I say "lead," the
18 one to the right leading the gurney, on the front side
19 of the gurney.

20 A I'm not sure.

21 Q One of your colleagues, though?

22 A Yes.

23 Q What did you do once you left the friend?
24 Where did you go?

25 A That would have been into the ambulance.

1 Q And, as you earlier indicated, shut the doors,
2 correct?

3 A Correct.

4 Q And you never came back out?

5 A No.

6 Q Okay. I'd like to draw your attention to the
7 lower video, and we are just going to let that play for
8 a couple of minutes and see if you recognize anything.
9 I'll ask to have it paused in just a second.

10 (Whereupon the video is played and paused.)

11 MR. JACKSON: Pause it.

12 BY MR. JACKSON:

13 Q I'm going to ask you to look up to the top
14 video. Do you see what appears to be a person wearing
15 yellow to the right?

16 A Yes.

17 Q Do you recognize who that is?

18 A No.

19 MR. JACKSON: Go ahead and play it.

20 (Whereupon, the video is played and paused.)

21 MR. JACKSON: Pause it.

22 BY MR. JACKSON:

23 Q Looking at the lower video, do you see what
24 appears to be a vehicle in the middle of this frame?

25 A Yes.

1 Q What is that?

2 A That is an ambulance.

3 Q Does that appear to be the ambulance that you
4 arrived in?

5 A Yes.

6 Q And that is the ambulance that you took
7 Mr. O'Keefe to?

8 A Yes.

9 Q The doors are closed?

10 A Yes.

11 Q Are you in the ambulance at this point?

12 A I'm not sure.

13 Q Well, if this was -- let me just ask it a
14 different way.

15 This was running continuously?

16 A Yes.

17 Q No pauses. You've already taken Mr. O'Keefe
18 to the ambulance. Would you have gotten in the
19 ambulance?

20 A I don't recall.

21 Q I mean, you're not standing outside the
22 ambulance, are you?

23 THE COURT: If you know the answer.

24 THE WITNESS: I don't know.

25 BY MR. JACKSON:

1 Q You have no idea whether you're in the
2 ambulance or not at this point?

3 A At this point.

4 Q Would you have gone anyplace else when you
5 left the frame?

6 A It could have been to gather equipment but for
7 certain, I don't know.

8 Q Where would Mr. O'Keefe have been?

9 A He could have been in the ambulance. Again, I
10 don't know for certain.

11 Q Could have been or was in the ambulance?

12 A At this time, I don't know.

13 MR. JACKSON: Okay. Go ahead and play.

14 (Whereupon, the video is played and paused.)

15 MR. JACKSON: Stop.

16 BY MR. JACKSON:

17 Q Taking a look at both screens, do you see the
18 group of people, including the individual with a yellow
19 jacket at the bottom of the screen?

20 A Yes.

21 Q Does that appear to be the same from a
22 different angle, same group of people, including the
23 person with the yellow jacket on the top screen?

24 A Yes.

25 Q Who was the person that was directed to get

1 the medical history from my client?

2 A McLaughlin.

3 Q Do you believe that's Ms. McLaughlin?

4 A No.

5 Q You don't think that's her?

6 A I would have to rewind to know where she went.

7 Q Well, let me ask you a couple other questions:

8 In the bottom screen, do you see a police
9 officer?

10 A Yes.

11 Q Do you see a woman with long hair standing
12 next to the police officer?

13 A Yes.

14 Q Does that appear to be my client?

15 A Yes.

16 Q There is an individual with a fire jacket on,
17 right?

18 A Yes.

19 Q And she was, Ms. McLaughlin was, directed to
20 get medical history and interview my client, correct?

21 A Yes.

22 Q Does that appear to be what she's doing right
23 there?

24 MR. LALLY: Objection, Your Honor.

25 THE COURT: Sustained.

1 BY MR. JACKSON:

2 Q At this point, where do you believe you were
3 now?

4 A I don't remember.

5 Q Do you think you might have been in the
6 ambulance?

7 A I don't remember.

8 Q You testified earlier, and this has been a
9 continuously run video, on the top, you testified
10 earlier when you left the screen with that gurney, you
11 got in the ambulance, correct?

12 A We headed that way, yes.

13 Q So Firefighter Flematti, it's not a trick
14 question. Where did you go when you left the screen?

15 A It would have been to either gather equipment
16 or put the patient in the ambulance.

17 Q Okay. When did the -- what equipment did you
18 need to get?

19 A It would have been anything that was left by
20 the patient's side, whether it was a first-in bag,
21 airway bag, any other equipment.

22 Q You were doing chest compressions?

23 A I didn't state that.

24 Q You didn't say that?

25 A I said I did chest compressions at some point.

1 I didn't say I did them continuously throughout the
2 call.

3 Q So you put John O'Keefe in the back of the
4 ambulance and went to look for some equipment?

5 A Not what I said. So chest compressions were
6 done continually throughout. Whether they were done by
7 me or by another provider, I can't tell you
8 specifically.

9 Q So when you left the screen and John O'Keefe
10 is on the gurney, you're engaged in vital lifesaving, a
11 vital lifesaving endeavor, correct?

12 A Yes.

13 Q That had to have been your focus, correct?

14 A That was at the time, yes.

15 Q And you wanted to get him out of the cold, the
16 weather?

17 A Yes.

18 Q Because it was inclement; it was freezing out,
19 correct?

20 A Yes.

21 Q So you wanted to put him in the ambulance,
22 right? And you wanted to continue CPR because, in your
23 words, you testified on direct examination, you
24 believed that there might be some viability left?

25 A Yes.

1 Q So CPR and lifesaving measures were absolutely
2 vital at that point?

3 A Yes.

4 Q You didn't go find equipment. You got an
5 ambulance, didn't you?

6 A Yes.

7 Q So at this point, you're in the ambulance,
8 correct?

9 A At this point, I don't know.

10 Q You indicated you never got back out of the
11 ambulance after you got in, correct?

12 A I don't believe so, no.

13 Q Did you see anyplace in that video where you
14 had any sort of detailed conversation with my client?

15 A No.

16 Q Did you see anyplace in that video where you
17 engaged my client and said, how did you get here? What
18 happened? And she said, I hit him. And you said, how
19 you hit him, all the stuff that you testified earlier
20 to?

21 A I didn't see that in the video.

22 Q You indicated in a police report during your
23 interview that you had with Yuri Bukhenik on February
24 8th that my client said, I hit him, correct?

25 A Correct. Yes.

1 Q Do you remember having that conversation with
2 Sergeant Bukhenik?

3 A I don't recall the conversation, but I am
4 trusting that your records are accurate.

5 Q Is it true that during that conversation, you
6 indicated to Sergeant Bukhenik that, quote, (as read),
7 "Katie spoke with Karen Read." Katie is Katie who?

8 A McLaughlin.

9 Q (As read), "Katie spoke with Karen Read,
10 collecting medical history for the victim and was also
11 told by Karen the last time she saw the victim was at
12 1:00 a.m. that morning. That is when Anthony" -- who
13 is Anthony?

14 A It would have been myself.

15 Q -- "that is when Anthony heard Karen say, I
16 hit him. I hit him."

17 Is that what you told Sergeant Bukhenik?

18 A I don't recall.

19 Q Does it appear that this is the time,
20 Firefighter Flematti, that Katie McLaughlin was getting
21 a medical history from my client or attempting to?

22 A I can't tell from the video.

23 Q You do know, however, that during this time
24 you're in an ambulance probably 30 or 40 feet away with
25 the doors closed?

1 A I don't know.

2 Q Well, you certainly don't see yourself in that
3 frame, do you?

4 A It doesn't appear to be.

5 THE COURT: If we are done with the videos,
6 can we take it down?

7 MR. JACKSON: Of course. Yes. I think we are
8 finished. Thank you, Your Honor.

9 BY MR. JACKSON:

10 Q You were the lead firefighter on that team
11 that night, correct?

12 A Lead paramedic.

13 Q Sorry. Lead paramedic. Thank you.

14 You understood, obviously, the gravity of
15 hearing a statement like "I hit him," some sort of an
16 explanation about what may have happened to the victim,
17 correct?

18 A Correct.

19 Q That statement could potentially have direct
20 relationship, direct relational impact on how
21 lifesaving measures are done by the medical personnel
22 that you turned the victim over to?

23 A Correct.

24 Q You testified at the grand jury that you
25 wanted -- once you got to the hospital, you wanted to

1 be as, quote, unquote, "helpful as possible" when you
2 handed over the patient, correct?

3 A Correct.

4 Q You said you actually stayed at Good Samaritan
5 for an additional 10 to 20 minutes, which is your habit
6 in cases like this, because you wanted to be, quote,
7 unquote, "an asset" to the medical intervention team,
8 correct?

9 A Correct.

10 Q That team includes the doctors and nurses
11 that were trying to provide lifesaving services to
12 Mr. O'Keefe?

13 A Correct.

14 Q But you never relayed to a single doctor or a
15 single nurse a single word about a woman who said, I
16 hit him, did you?

17 A So documentation for us ends at transfer of
18 patient care. As far as my memory, I do remember
19 relaying that information to the doctors and nurses.

20 Q You do?

21 A Yes.

22 Q Have you ever testified about that ever
23 previous to this?

24 A I've never been asked about that.

25 Q Oh. Nobody asked you. So you didn't tell

1 anybody?

2 A In the court setting? No.

3 Q You testified in front of a grand jury; didn't
4 you?

5 A Yes.

6 Q Mr. Lally asked you a bunch of questions?

7 A Yes.

8 Q During the course of that conversation that
9 was under oath, did you ever disclose that you told the
10 doctors and the nurses that you heard a woman say, I
11 hit him?

12 A I recall telling the doctors and nurses that
13 there is a question that the patient was hit by a
14 vehicle or we don't know, is what I directly said to
15 the doctors and nurses.

16 Q You directly told the doctors and nurses that
17 there was a question about whether or not he was hit by
18 a vehicle, right?

19 A Yes.

20 Q Have you ever said that in any context either
21 to the police or in a grand jury before today?

22 A I don't recall.

23 Q You were asked a bunch of questions the day
24 before yesterday and this morning by Mr. Lally?

25 A Yes.

1 Q Did you say it on your direct examination?

2 A I wasn't asked that question.

3 Q Ah. So since Mr. Lally didn't ask you, you
4 just left it out that you told the doctors, the medical
5 professionals, that, in fact, you described that this
6 patient was likely hit by a car?

7 MR. LALLY: Objection.

8 THE COURT: Sustained.

9 BY MR. JACKSON:

10 Q You wrote a report, as well, correct?

11 A Yes.

12 Q We've talked a little bit about that report.
13 There is an area in the report for a narrative?

14 A Yes.

15 Q About your observations, your experiences with
16 this patient, correct?

17 A Correct.

18 Q Your job as a lead paramedic is to be as
19 detailed as possible, correct?

20 A Correct.

21 Q You want to provide and impart the most detail
22 you possibly can about an incident to assist in medical
23 intervention, correct?

24 A Sure.

25 Q Take a look at page 3 of 5 of your report.

1 A Yes.

2 Q Do you see that narrative area?

3 A I do.

4 Q Can you point to that portion of your report
5 where you indicate that my client said the words "I hit
6 him"?

7 A It doesn't say that.

8 Q Can you point to your report, the portion of
9 your report where you indicate that you told the
10 doctors and nurses that she said, I hit him?

11 A It doesn't say that.

12 Q Can you point to that portion of your report
13 where you indicate that your concern for the patient
14 was that he had been hit by a car?

15 A It doesn't say that.

16 Q You indicated on direct examination that you
17 were, quote, unquote, "looking for anything that we
18 could pass on to the emergency room that would assist"?

19 A Yes.

20 Q Do you think it might have been of assistance
21 to the emergency room personnel to indicate that you
22 believed this person had been hit by a car?

23 MR. LALLY: Objection.

24 THE COURT: Sustained.

25 BY MR. JACKSON:

1 Q Do you believe that that would have been an
2 important piece of information to pass on to the
3 emergency room assistants?

4 MR. LALLY: Objection.

5 THE COURT: I'll let him have it.

6 THE WITNESS: It would have been important.

7 Yes.

8 BY MR. JACKSON:

9 Q And it's nowhere in your reports, correct?

10 A It's not in the reports, no.

11 Q You didn't tell that to the police when you
12 were interviewed eight days later?

13 A I was not asked about how or what I was --

14 Q My question is, did you tell the police eight
15 days later or nine days later when you were
16 interviewed?

17 A No.

18 Q And you didn't tell the grand jury that,
19 correct?

20 A No.

21 Q And you didn't mention that on direct
22 examination in front of these jurors, did you?

23 A No.

24 MR. JACKSON: May I have a moment, Your Honor?

25 THE COURT: Yes.

1 MR. JACKSON: That's all I have. Thank you.

2 THE COURT: Mr. Lally?

3 REDIRECT EXAMINATION

4 BY MR. LALLY:

5 Q So Firefighter Flematti, you have been asked
6 some questions about the observation you made of
7 Mr. O'Keefe's abdomen being distended, correct?

8 A Correct.

9 Q And, absent any external observation of
10 injuries, that could be from an internal injury cause;
11 is that correct?

12 A Correct.

13 Q Now, the conversation that you were talking
14 about in which the defendant indicated to you
15 repeatedly that she hit him or "I hit him," that
16 occurred on your sort of way to the body, correct?

17 A Correct.

18 Q Now, turning back to sort of when you're
19 coming to the scene and arriving at the scene, you got
20 a call or dispatch in regard to an unresponsive male in
21 the snow, correct?

22 A Correct.

23 Q So you know that going there, correct?

24 A Correct.

25 Q Okay. And where you sort of bring the

1 ambulance to a stop, there are other vehicles already
2 in that area where Mr. O'Keefe is, correct?

3 A That's correct.

4 Q And it's from that vantage point that you're
5 able to then see Mr. O'Keefe's body off the side of the
6 road, about 10 feet or so, into the lawn?

7 A Correct.

8 Q Now, when it comes to chest compressions, your
9 department, any department, as far as sort of the
10 medical field that you're in, is there any sort of
11 policy or protocol for how long one person should be
12 doing those at a time?

13 A So the recommendation is always two minutes,
14 but it's usually based on the fatigue of the provider.
15 But, really, the most important thing is just quality
16 of CPR and making sure that they have the best CPR
17 throughout, regardless of fatigue.

18 Q So it's not recommended that one person do
19 continuous chest compressions for 15 or 20 minutes,
20 correct?

21 A It's actually recommended not.

22 Q And so that would be sort of when you have
23 that many sort of assets with you on a scene, would it
24 be typical for somebody to continue on with chest
25 compressions for that long a period of time?

1 A No.

2 Q Those videos that you were showing up on the
3 screen, had you ever seen either of those videos
4 before?

5 A No.

6 Q So you have no idea as far as the times,
7 whether they are accurate, correct?

8 A No.

9 Q And whether the videos are synchronous? You
10 have no idea about that, either, correct?

11 A No.

12 Q Now, the conversation in which you heard the
13 defendant say, I hit him, and the conversation that
14 Firefighter McLaughlin had in which the defendant told
15 her, I hit him, those are two separate conversations,
16 correct?

17 A Correct.

18 Q Happened at two different times, two different
19 locations. And you weren't even present for
20 Ms. McLaughlin's statement, correct?

21 A Correct.

22 Q But you did, when you were interviewed by the
23 trooper and when you testified before the grand jury,
24 you indicated in both instances that the defendant said
25 to you, I hit him, repeatedly, correct?

1 A Correct.

2 Q Now, when you were asked questions about what
3 you relayed to the hospital staff, what you're
4 testifying to, that's your memory of what you told the
5 hospital, correct?

6 A Correct.

7 Q And you indicated in that that you had
8 something to the effect of there's a question about
9 whether or not Mr. O'Keefe had been hit by a car,
10 correct?

11 A Correct.

12 Q And so from your conversations with the
13 defendant and the sort of expounding questions that you
14 would ask for clarification, why was it that you
15 related motor vehicle sort of specifically as a
16 question to the hospital staff?

17 A So it was due to the proximity of the patient
18 to the roadway and the vagueness of the statement. So
19 proximity to the roadway and the fact that she stated,
20 I hit him, the red flag of him being underdressed and
21 not -- people don't just lie down in the snow in a
22 blizzard. So how he got there we're not sure. So
23 we're trying to figure out what happened. But, due to
24 the proximity in the roadway, that was our first
25 inclination.

1 MR. LALLY: I have nothing further.

2 THE COURT: All right.

3 MR. JACKSON: May I, Your Honor, briefly?

4 THE COURT: Yes.

5 RECROSS-EXAMINATION

6 BY MR. JACKSON:

7 Q You indicated that it's not recommended that
8 someone do chest compressions for 15 or 20 minutes?

9 A Correct.

10 Q You saw the video that was on the screen?

11 A Correct.

12 Q That video was about three minutes?

13 A Yes.

14 Q Did it appear that the same person that was
15 doing chest compressions at the beginning of the video
16 continued doing chest compressions all the way through?

17 A I don't know.

18 Q Well, you just watched the video.

19 A I did. I can't tell you for certain which
20 personnel. We all have yellow coats. So I can't tell
21 you if somebody swapped. I don't know.

22 Q Did it appear to you in watching that video
23 that the person that started on the chest compressions
24 on the left side of the screen continued all the way
25 through, up to the scoop, up to the gurney and off-

1 screen doing chest compressions?

2 MR. LALLY: Objection.

3 THE COURT: Sustained.

4 BY MR. JACKSON:

5 Q You indicated that when you heard this phrase
6 "I hit him," that your response was, did you hit him
7 with your hand, right?

8 A Yes.

9 Q Did you kick him?

10 A Yes.

11 Q Did you punch him?

12 A Yes.

13 Q That's what you previously testified to,
14 correct?

15 A Yes.

16 Q Nowhere in that conversation did you ever
17 suggest did you hit him with your car?

18 A I don't recall if I asked her specifically
19 about that.

20 Q So now you don't recall about that, either?

21 MR. LALLY: Objection, Your Honor.

22 THE COURT: Sustained.

23 BY MR. JACKSON:

24 Q And, for the first time in any forum, you're
25 telling this jury that you then thought, based on that

1 conversation that was attendant to the video that we
2 just watched, you believed that Mr. O'Keefe had been
3 hit by a car and that she said she did it?

4 A I did not say that. So I -- am I allowed to
5 respond?

6 THE COURT: Yes.

7 THE WITNESS: So I left it open-ended to the
8 staff of the hospital that these are both
9 possibilities of what happened to the patient.

10 BY MR. JACKSON:

11 Q And, of course, if you had said that to the
12 staff at the hospital, the staff at the hospital would
13 certainly put it in some of the medical reports,
14 correct?

15 A They don't have to. It's really up to them.

16 Q And you're aware that none of those have that
17 statement?

18 A I'm not aware.

19 MR. JACKSON: Thank you.

20 THE COURT: All set? All right. You are all
21 set, Firefighter Flematti. Thank you.

22 (Whereupon, the witness is excused.)

23 THE COURT: Who is your next witness,
24 Mr. Lally?

25 MR. LALLY: Yes, Your Honor. The Commonwealth

1 would call Mr. Matthew Kelly.

2 Your Honor, may I approach just to retrieve
3 the exhibits?

4 THE COURT: Yes.

5 Whereupon,

6 MATTHEW KELLY

7 having been first duly sworn, was examined and
8 testified under oath as follows:

9 THE COURT: Good morning.

10 THE WITNESS: Good morning.

11 THE COURT: So you can sit or stand, however
12 you are comfortable.

13 All right, Mr. Lally. When you're ready.

14 DIRECT EXAMINATION

15 BY MR. LALLY:

16 Q Good morning, sir.

17 A Good morning.

18 Q Could you please state your name and spell
19 your last name for the record?

20 A Sure. Matthew Kelly, K-E-L-L-Y.

21 Q And what is it that you do for work, sir?

22 A I am a firefighter/paramedic for Canton Fire.

23 Q And how long have you been a
24 firefighter/paramedic with Canton Fire?

25 A Approximately two and a half years.

1 Q And, prior to working for the Canton Fire
2 Department, what, if any, other employment did you have
3 within that sort of field?

4 A I worked for a private ambulance group,
5 Brewster Ambulance Service for approximately five
6 months.

7 Q And sort of geographically, where was that
8 located?

9 A Boston area.

10 Q Now, prior to you working as an EMT or
11 paramedic, you worked as an EMT before working as a
12 paramedic?

13 A Correct.

14 Q And so prior to working as either an EMT or a
15 paramedic, did you have any sort of training, or did
16 you receive any sort of certification in regards to
17 being an EMT/paramedic?

18 A Yes. So I had to do a six-month EMT course,
19 and then I had to do a practical and written exam for
20 the course and then for the state to get my EMT. And
21 then for paramedic school, it was about a 10-to-12
22 month didactic portion. And then I did I believe it
23 was 200 hours clinical in the hospitals. And then I
24 did 300 hours ride time. And then I had to do a
25 practical and written exam for the course and also for

1 the state. And now with Canton Fire, I'm getting
2 precepted as a paramedic.

3 Q And, when you use that term as far as
4 "precepted," what exactly does that term mean within
5 your field?

6 A It just means that you get trained by an
7 experienced paramedic for an extended period of time
8 until they say that you can do the job on your own.

9 Q And, with regard to being an EMT and a
10 paramedic, do you receive a certification in regard to
11 working within that field?

12 A Can you say that again?

13 Q Sure. With regard to being an EMT and a
14 paramedic, do you receive some sort of certification
15 either from the state or some other body in regard to
16 working in that field?

17 A Yes.

18 Q And do you have certification in regard to
19 both?

20 A Yes.

21 Q And is that certification up to date at this
22 point?

23 A Yes, it is.

24 Q Sir, if I could turn your attention to January
25 28th, the evening of that, into January 29th, 2022.

1 Were you working with the Canton Fire Department that
2 day?

3 A Yes, I was.

4 Q And do you recall what kind of shift you were
5 working on that day?

6 A Twenty-four shift on the ambulance.

7 Q Which station house were you assigned to on
8 that day?

9 A Station 1.

10 Q And that's located where within the town of
11 Canton?

12 A 99 Revere Street.

13 Q And you were assigned to the ambulance; is
14 that correct?

15 A Correct.

16 Q And who, if anyone else, from your department
17 was assigned to the ambulance along with you?

18 A Paramedic Anthony Flematti.

19 Q And, on that morning of January 29th, do you
20 recall about what time that you woke up on that day?

21 A I believe it was about 4:45 a.m.

22 Q And, when you woke up, what, if anything, is
23 it that you did with regard to your duties and
24 responsibilities around Fire Station House 1?

25 A So we woke up a little bit early to shovel off

1 the apron, shovel off the parking lot and just prepare
2 for the new shift coming in.

3 Q And, just briefly, sir, when you go outside to
4 shovel, what, if anything, do you recall about sort of
5 the weather conditions and what they were at that
6 point?

7 A There was snow on the ground. It was snowing,
8 high winds, low visibility, still dark out.

9 Q And do you recall being dispatched to a call
10 shortly after 6:00 a.m.?

11 A Yes, I do.

12 Q And what was that call or what was that
13 dispatch in regard to and where specifically were you
14 dispatched to?

15 A It was an unresponsive male in the snow on
16 Fairview Road.

17 Q And that area of Fairview Road, through your
18 work with the Canton Fire Department, are you familiar
19 with that specific area?

20 A Yes.

21 Q Okay. And you respond in the ambulance; is
22 that correct?

23 A Correct.

24 Q And who, if anyone, goes along in the
25 ambulance with you?

1 A Flematti was in the passenger seat and then
2 Paramedic Tim Nuttall was in the back.

3 Q Okay. And who was driving?

4 A I was driving.

5 Q And, in addition to the ambulance, Ambulance 1
6 that you were in, what other sort of vehicles or
7 apparatus responded from your station to Fairview Road?

8 A We also had an engine and our shift commander
9 SUV.

10 Q And, if you recall, who was the shift
11 commander in the SUV?

12 A The shift commander was Captain Wendell Robery
13 at the time.

14 Q And Captain Robery is now the chief of the
15 Canton Fire; is that correct?

16 A Correct.

17 Q And, as far as the engine was concerned, who,
18 if anyone, was assigned to the engine responding to the
19 calls?

20 A It was Lieutenant Greg Woodbury,
21 Firefighter/paramedic Katie McLaughlin and
22 Firefighter/paramedic Frank Walsh.

23 Q And, as you're driving from the station house
24 to Fairview, what, if anything, do you recall about the
25 weather conditions, visibility, anything like that

1 along your way?

2 A Just heavy snow and wind, real low visibility.
3 There was as lot of snow on the ground. So I was just
4 trying to take it slow so we didn't spin out or drift
5 or anything like that.

6 Q And can you describe for the jury sort of the
7 route that you took from the station on Revere Street
8 to Fairview Road that morning?

9 A Yes. We took a right onto Revere Street, left
10 onto Sherman Street, right onto Chapman Street and then
11 a left onto Fairview.

12 Q And, as you're driving down Fairview, what, if
13 anything, can you tell the jury about sort of the
14 elevation of that roadway as you go from Chapman down
15 to where you stopped eventually?

16 A It was a pretty steep, long road downhill. It
17 was probably downhill for half of the way through
18 Fairview. And, because of that, I was just trying to
19 go real slow so we didn't drift down the hill.

20 Q One last question about driving. But, as
21 you're driving along, what, if any, else did you
22 observe as far as sort of other vehicular traffic on
23 the roadway, any other cars, trucks, anything like
24 that?

25 A Nothing until I saw the police cruiser at the

1 scene.

2 Q And so as you're approaching the scene and
3 you're driving towards it, what, if anything, sort of
4 first draws your attention to where you're going and
5 where you're stopped?

6 A So it was just real low visibility, but we
7 could see blue lights at times. So just kept going
8 toward the blue lights and knew that it would be in
9 that area.

10 Q Now, do you -- where do you stop in relation
11 to the cruiser?

12 A I believe they were facing towards us. So we
13 would be in front of them.

14 Q And, at some point, you are being dispatched
15 for an unresponsive male party, correct?

16 A Correct.

17 Q And so when you're pulling up to the scene and
18 you see the cruiser, are you able to also see any sort
19 of unresponsive male party?

20 A Not when I'm in the truck. I had to get out
21 of the truck to see.

22 Q And when was it and how far away from it were
23 you at the first time that you observe the unresponsive
24 male?

25 A Once I got out of the truck, I probably had to

1 be about five feet away until I could see the victim.

2 Q And, at this time when you're arriving
3 sometime shortly after 6:00 a.m., is it light out, dark
4 out or something else?

5 A It's dark.

6 Q Just so we can stop saying "unresponsive
7 male," at some point you identify who the patient was
8 that you eventually treated and transported?

9 A Correct.

10 Q And who did you identify him to be?

11 A Mr. O'Keefe.

12 Q That would be John O'Keefe; is that correct?

13 A Correct.

14 Q So you get out of the vehicle. You all get
15 out at the same time; is that correct?

16 A Relatively, yeah.

17 Q And where is it that you, Firefighter Flematti
18 and Firefighter Nuttall go?

19 A So we first go to pick up some of the bags and
20 stuff that we'd need to conduct an arrest. And then we
21 just go straight over to the body and some people that
22 were around there.

23 Q And, with regard to the bags that you
24 retrieved, what kind of bags are we talking about?

25 A We take like a first-in bag that has

1 miscellaneous stuff. We take an airway bag, and we
2 would take a cardiac monitor.

3 Q And, when you indicate as far as where
4 Mr. O'Keefe was, who, if anyone else, or what, if any
5 other, people were in that same area?

6 A Could you say it one more time?

7 Q Sure. When you first go over to where
8 Mr. O'Keefe is, who, if anyone, or how many other
9 people are in that general area when you get over
10 there?

11 A Sure. I remember seeing a police officer and
12 two women.

13 Q And, as far as where Mr. O'Keefe was, first of
14 all, how was he positioned in relation to the ground?

15 A He was on his back, probably about -- around a
16 fire hydrant, probably five or so feet from what I saw
17 would be the street.

18 Q So you believed about five or so feet in from
19 the roadway, correct?

20 A Correct.

21 Q Now, with regard to Mr. O'Keefe when you first
22 come over, what, if anything, did you observe as far as
23 snow on him or around him or in the area where he was?

24 A I don't really recall.

25 Q And do you recall how Mr. O'Keefe was dressed

1 when you first get over there?

2 A I believe he was wearing a hoodie, like a
3 sweatshirt, and jeans, and I remember he had one shoe
4 on. I forget which shoe it was.

5 Q So you don't recall which shoe it was, but
6 there was one shoe on his foot at that point?

7 A Correct.

8 Q So when you first arrive at this patient, at
9 Mr. O'Keefe, what is it that you and the other
10 firefighters are doing in regard to treatment at that
11 point?

12 A So the other firefighters were checking for a
13 pulse, and then after that, we -- well, I was getting
14 some supplies, and then we would start compressions and
15 start moving him into the ambulance so we could get a
16 better look at him and what we were doing.

17 Q When you say "start compressions," what kind
18 of compressions are you referring to?

19 A CPR.

20 Q So chest compressions; is that correct?

21 A Yes.

22 Q And, based on your training and experience, is
23 there some sort of protocol as to how long one
24 individual should be doing chest compressions?

25 A So we want early and continuous chest

1 compressions for as long as the person is pulseless.
2 We will take breaks in order to check for a pulse and
3 check for rhythm, any rhythm changes.

4 Q And so when breaks are taken, is that one
5 person that's doing those same compressions the entire
6 time or is it switched off or something else?

7 A We try to switch off every few minutes.

8 Q Now, when you first approach where Mr. O'Keefe
9 is on the ground, what, if any, sort of injuries, if at
10 all, did you observe on Mr. O'Keefe at that time?

11 A On the ground, I didn't observe any injuries
12 or recall seeing any injuries at the time. It wasn't
13 until we got him in the ambulance that I saw some
14 injuries.

15 Q And so from that sort of initial assessment
16 and initial sort of treatment of the patient, what
17 exactly does that sort of assessment and treatment
18 consist of when Mr. O'Keefe is on the ground?

19 A Basically, just checking for breathing and if
20 he has a pulse. It was pretty dark and very low
21 visibility. So we wanted to get him out of the
22 conditions and into the ambulance to kind of further
23 assess him.

24 Q And, from your sort of initial assessment, did
25 he have a pulse and was he breathing?

1 A No.

2 Q And so you want to get him out of the
3 conditions. And how was that accomplished?

4 A I believe we used a scoop board or a scoop
5 stretcher. It's just a backboard that breaks into two
6 pieces that you can slide underneath the victim or the
7 patient. We use that and then we had picked him up and
8 put him onto our actual EMS stretcher and then just put
9 the stretcher into the ambulance.

10 Q And where was the stretcher sort of placed in
11 regard to where or in relation to where Mr. O'Keefe was
12 five feet off the roadway?

13 A I don't recall.

14 Q Now, once you get to the entrance, what, if
15 any, difference did you notice between sort of the
16 lighting in the ambulance versus the lighting outside
17 on the lawn?

18 A So there was very low visibility outside.
19 There was great visibility inside. There was lighting
20 all around the back of the ambulance.

21 Q And so once you're in the back of the
22 ambulance, what, if anything, did you observe or note
23 at that point in regard to any injuries you observed to
24 Mr. O'Keefe?

25 A He had like a swollen, black and blue right

1 eye and he had some blood around his mouth.

2 Q Now, as far as Mr. O'Keefe was concerned,
3 during treatment, obviously you're touching or making
4 contact with Mr. O'Keefe's body, correct?

5 A Correct.

6 Q And, during the course of that, what, if any,
7 observations or what, if anything, did you note in
8 regard to sort of tactile observations of Mr. O'Keefe?

9 A He was very cold to touch, very stiff, almost
10 frozen like.

11 Q Now, at some point during the course of your
12 treatment in the back of the ambulance, are his clothes
13 removed?

14 A Yes.

15 Q And is that -- why is that?

16 A It's just so we can try to examine his whole
17 body for any other injuries.

18 Q And there's some concern for cardiac arrest,
19 correct?

20 A Correct.

21 Q Can you explain how you -- are you familiar
22 with that term?

23 A Yes.

24 Q Can you explain to the jury what your
25 understanding based on your training and experience is

1 as what is cardiac arrest?

2 A Sure. It would be when a person has a lethal
3 cardiac rhythm where they no longer have a pulse.

4 Q Once -- the clothes, as far as being removed,
5 how are they, physically sort of how are they, removed?

6 A I believe they were probably cut off with
7 trauma shears.

8 Q And, once the clothes are removed with the
9 trauma shears, what, if any, additional injuries did
10 you make to Mr. O'Keefe's body?

11 A There were some lacerations on his right upper
12 extremity.

13 Q Now, the chest compressions that you were
14 talking about, was that continuous sort of throughout
15 the patient care with respect to Mr. O'Keefe?

16 A Yes.

17 Q And, in addition to that, what, if anything
18 was done with respect to body temperature for
19 Mr. O'Keefe once in the back of the ambulance?

20 A So we did some rewarming. So we did heat,
21 blankets and warm clothes.

22 Q And, as the chest compressions continue in the
23 back of the ambulance, what, if anything, did you
24 observe with regard to Mr. O'Keefe's nose or mouth?

25 A I remember that there was some kind of -- some

1 blood or vomit or bile coming out of his mouth.

2 Q Now, turning your attention to back outside of
3 the ambulance, taking you back there for a moment, you
4 indicated in your testimony that when you arrived, you
5 observed two females in the area where Mr. O'Keefe was;
6 is that correct?

7 A Correct.

8 Q Can you describe anything as far as what they
9 looked like or anything about those two females that
10 you saw?

11 A I just remember they were white, looked to be
12 between 35 and 45 years old, I would say, and average
13 build and height.

14 Q What, if any, sort of distinguishing
15 characteristics did you observe between one or the
16 other?

17 A I remember one had some red stuff around her
18 mouth. I was thinking it could be blood.

19 Q And that individual that you observed with red
20 stuff that you thought could be blood around her mouth,
21 what, if any, observations did you make of her as far
22 as her demeanor or anything like that?

23 A She was just acting kind of erratic and kind
24 of running around, screaming different things.

25 Q And, as far as the different things that she

1 was screaming, what, if anything, do you recall
2 specifically hearing her screaming when she was running
3 around?

4 A It was just something like he's dead, he's
5 fucking dead.

6 Q Is that something she said once or more than
7 once or something else?

8 A At least twice.

9 Q And, as far as that sort of phraseology, was
10 that consistent throughout?

11 A I would say so, yes.

12 Q Now, when you entered the ambulance, does the
13 patient care continue, obviously, with Mr. O'Keefe?

14 A Yes.

15 Q And, if you recall, who was sort of involved
16 in that patient care in the back of the ambulance?

17 A Me, Nuttall, Flematti, Woodbury, Walsh. And
18 McLaughlin came in a little bit later. I'm not sure if
19 she did any patient care or not.

20 Q So the majority of the people from your
21 department that responded to the scene at one point or
22 another were involved in patient care with regard to
23 Mr. O'Keefe?

24 A Correct.

25 Q Okay. Now, you drove the ambulance to

1 Fairview; is that correct?

2 A Correct.

3 Q And so for the transport from Fairview, what
4 hospital did you go to?

5 A Good Samaritan.

6 Q So for the transport from Fairview to Good
7 Samaritan, who drove the ambulance then?

8 A McLaughlin.

9 Q And so Firefighter McLaughlin is driving.
10 Where are you located within the ambulance?

11 A I was in the back with Nuttall and Flematti.

12 Q Do you recall sort of specifically what, if
13 anything, you were doing with regard to patient care
14 during the transport phase?

15 A So I was just helping them -- so during the
16 transport phase, we -- I was doing compressions before,
17 but we had switched him over to an automatic
18 compression device. So I was just involved in helping
19 to ventilate and suction.

20 Q And was there any -- who, if anyone else, in
21 the back of the ambulance was also sort of working on
22 the airway portion if you recall?

23 A I believe Nuttall, and I forget who else.

24 Q Now, during the course of transport from the
25 scene when you arrived to Good Samaritan, what, if any,

1 change did you note in reference to Mr. O'Keefe as far
2 as heart activity, respiratory, anything of the like?

3 A No changes.

4 MR. LALLY: Ms. Gilman, if I could ask for
5 Exhibit No. 9, please.

6 BY MR. LALLY:

7 Q Firefighter Kelly, just directing your
8 attention to the screen, what's been marked as Exhibit
9 No. 9, do you recognize that?

10 A Yes.

11 Q And what do you recognize that to be?

12 A The location of the scene.

13 Q So the house that you responded to on January
14 29th; is that correct?

15 A Yes.

16 MR. LALLY: And, Ms. Gilman, if I could also
17 have Exhibit No. 18.

18 BY MR. LALLY:

19 Q And, again, sir, just directing your attention
20 to the screen, do you recognize the photograph that's
21 up on the screen?

22 A Yes.

23 Q What is depicted in that photograph?

24 A The location of the scene again.

25 Q Sort of a different view of the same home; is

1 that correct?

2 A Correct.

3 MR. LALLY: May I approach the witness, Your
4 Honor?

5 THE COURT: Yes.

6 BY MR. LALLY:

7 Q So, sir, I'm just going to hand you this.
8 It's a laser pointer. Basically, there is a button
9 there. Just press on that and point it at the screen.

10 Firefighter Kelly, using that laser pointer
11 that you now have before you, if you could, please
12 direct the jury's attention on the screen to
13 whereabouts you located Mr. O'Keefe in that supine
14 position when you first arrived.

15 A It was about this area right here
16 (indicating).

17 Q Thank you, sir.

18 MR. LALLY: I have nothing further for this
19 witness.

20 THE COURT: All right. Cross-examination?

21 MR. YANNETTI: Yes. May we approach?

22 THE COURT: Okay. Jurors, remember, you can
23 stand up and stretch anytime you want to.
24 (Whereupon, there was a sidebar conference as
25 follows:)

1 MR. YANNETTI: Your Honor, I just wanted to
2 flag for the Court and to minimize the
3 interruptions here, toward the end of my cross-
4 examination, which I don't think will be lengthy,
5 anyway, but I intend to refer to a video which I'm
6 not sure is in evidence. It is the widescreen
7 version of the Saraf video which has been
8 premarked, and I'd like to offer it into evidence,
9 given that I believe the foundation was already
10 laid through Officer Saraf.

11 THE COURT: Okay.

12 MR. YANNETTI: And then have the witness refer
13 to it. I'm playing a 15-second portion of that
14 video and that's it.

15 THE COURT: Okay. Any objection?

16 MR. LALLY: No.

17 THE COURT: Okay.

18 MR. YANNETTI: Thank you.

19 (Whereupon, the sidebar conference concluded.)

20 CROSS-EXAMINATION

21 BY MR. YANNETTI:

22 Q Good morning, sir.

23 A Good morning.

24 Q Mr. Kelly, you and I have never met before,
25 correct?

1 A Correct.

2 Q We've never had a conversation?

3 A Correct.

4 Q In or out of court?

5 A Correct.

6 Q Now, with regard to the clothing that
7 John O'Keefe was wearing when you came upon him, I
8 believe you remembered that he had on a pair of jeans?

9 A To the best of my recollection, yes.

10 Q And you remembered that he had a hoodie
11 sweatshirt?

12 A Yes.

13 Q And what also stuck out in your mind is that
14 he only had one shoe on, correct?

15 A Correct.

16 Q From your memory, you're not sure if it was
17 the left or the right shoe, but it was one of those,
18 correct?

19 A Correct.

20 Q And you did not see another shoe or the
21 matching shoe in the area anywhere around where he was
22 lying, correct?

23 A Correct.

24 Q And, to your memory, you never saw that other
25 shoe, correct?

1 A Correct.

2 Q Now, with regard to the removal of the
3 clothing, I believe you testified before this jury on
4 direct examination that trauma shears would have been
5 used. Is that accurate?

6 A Yes.

7 Q And what do those look like? How big are they
8 and if you could describe them?

9 A They are about this big. So I would say six
10 inches, and they have usually like a plastic or metal
11 handle and then just kind of two curved blades that are
12 used to cut.

13 Q And are they essentially a large pair of
14 scissors?

15 A Yes.

16 Q And are they sharp in terms of the blades?

17 A Yes.

18 Q And they need to be somewhat, you know, heavy
19 duty because you don't know what type of clothing
20 you're going to have to cut through, correct?

21 A Correct.

22 Q Where was it that the trauma shears were used
23 in order to start to remove John O'Keefe's clothing?

24 A I don't recall.

25 Q Do you recall if it was before he was put into

1 the ambulance, during the ambulance ride or after he
2 was at the hospital?

3 A I believe it would -- I don't recall, but I
4 believe it would be in the ambulance.

5 Q I'm sorry. There is a little bit of noise.
6 Could you repeat that?

7 A Sure. I don't recall, but I believe it would
8 be in the ambulance.

9 Q In the ambulance. And you wouldn't have
10 waited until you got to the hospital because there was
11 a reason why you were taking the clothes off, correct?

12 A Correct.

13 Q And what was that reason?

14 A To look for any other injuries that the
15 patient might have.

16 Q And that was a priority as you were treating
17 him, correct?

18 A Correct.

19 Q You don't think that you cut off his clothes
20 before you put him in the ambulance, correct?

21 A Correct.

22 Q And you don't think that -- and, when I say
23 "you," I mean your team. You don't think your team cut
24 off the clothes after he was out of the ambulance,
25 correct?

1 A Correct.

2 Q So it was sometime during the ride?

3 A Correct.

4 Q Do you recall who it was that actually used
5 the trauma shears along that ride?

6 A No.

7 Q Do you recall at what point during the ride?
8 Would it have been sort of the beginning of the ride or
9 would it have been toward the end?

10 A Toward the beginning.

11 Q Now, with regard to the clothing that was cut,
12 do you recall if it was the sweatshirt, the jeans or
13 both?

14 A I don't recall.

15 Q Do you think or is your memory that the hoodie
16 sweatshirt was left on him without being cut?

17 A I don't recall.

18 Q Where did that clothing go after it was cut by
19 the trauma shears during that ride?

20 A Some of it would stay right on the stretcher,
21 but I don't recall on all of it.

22 Q Okay. And some of it could have been on the
23 floor of the ambulance, as well?

24 A Potentially.

25 Q And then, once the ambulance arrives at the

1 hospital, what is the protocol regarding the clothing
2 that had been cut?

3 A It gets transferred over to the R.N. in charge
4 of the patient and usually stays in their room.
5 Usually they'll put it in some sort of bag.

6 Q Okay. And is the clothing put in the bag --
7 does somebody meet you out at the ambulance in order to
8 collect the clothing, or do you bring the clothing into
9 the hospital in order to transfer it to an R.N.?

10 A We bring it in.

11 Q And do you recall who it was that brought in
12 that clothing?

13 A No.

14 Q Who was with you at that time going into the
15 hospital from the ambulance?

16 A Nuttall and Flematti.

17 Q So it had to be one of the three of you that
18 delivered that clothing to an R.N., correct?

19 A Correct.

20 Q Do you know if all of the clothing was
21 delivered to an R.N. or if some stayed in the
22 ambulance?

23 A I don't recall.

24 Q And, once you give the clothing to the R.N.,
25 do you see where she takes it?

1 A I don't recall.

2 Q Did you go into the treatment room, wherever
3 John O'Keefe was brought once he was at the hospital?

4 A Yes.

5 Q And you had previously testified that you
6 believed the clothing would have been brought in with
7 him, correct?

8 A Correct.

9 Q Do you have a memory of seeing that clothing
10 within that treatment room at the hospital?

11 A I don't recall.

12 Q Do you recall seeing the clothing on the
13 floor?

14 A I don't recall.

15 Q Now, let's get back to when you first arrived
16 on scene. And, actually, but before I get to that, I
17 did want to ask you a couple of questions about where
18 you were at in terms of your career on January 28th,
19 29th.

20 You were a fairly new firefighter?

21 A Correct.

22 Q And you were conscious -- you had been trained
23 not long before January 29th, right? It was within
24 several months?

25 A Two months. Yeah.

1 Q Within two months. Okay.

2 And your priority as a new firefighter was to
3 follow your training, correct?

4 A Correct.

5 Q It was fresh in your mind?

6 A Correct.

7 Q You wanted to do things the right way,
8 correct?

9 A Correct.

10 Q Particularly at the beginning of your career.
11 You don't want to develop any bad habits, correct?

12 A Correct.

13 Q And you were following protocol once you got
14 to the scene as best you could, correct?

15 A Correct.

16 Q I believe you testified on direct examination
17 that when you got -- when the ambulance got to 34
18 Fairview, as soon as it was parked, you and Anthony
19 Flematti went straight to the body, correct?

20 A I don't recall saying that. I wasn't sure who
21 went straight to the body. I said some of us got some
22 supplies.

23 Q Okay. I thought your testimony -- correct me
24 if I'm wrong. But I thought your testimony was that
25 you may have gotten some supplies but then you and

1 Flematti went straight to the body?

2 A Yes. So we did, me and Nuttall --

3 Q Got supplies?

4 A Me and Nuttall went to the body, but we didn't
5 go straight there. We got supplies first and then went
6 to the body, or I got supplies first and then went to
7 the body.

8 Q How long did it take you to get supplies?

9 A Probably within a minute, I would say.

10 Q Okay. And where was Flematti when you were
11 getting the supplies?

12 A I don't recall.

13 Q Once you got to the body, who assisted you
14 with regard to treating John O'Keefe?

15 A I believe it would be the people who were on
16 the scene with me.

17 Q Who would that have been?

18 A Flematti, Nuttall, Walsh, McLaughlin, Woodbury
19 and Robery.

20 Q Okay. So is it your testimony that your
21 memory is that five, six, however many people were
22 there with you, all were hovered over John O'Keefe,
23 doing treatment on him?

24 A Not treatment but getting supplies, getting a
25 stretcher. We are all working together, but we weren't

1 all involved in the treatment.

2 Q Sure. And the treatment was essentially CPR,
3 correct?

4 A Correct.

5 Q Chest compressions?

6 A Yes.

7 Q And dealing with his airway, as well?

8 A Correct.

9 Q Which of your coworkers and/or you were
10 directly involved with the CPR, the chest compressions
11 and the airway issues?

12 A I recall that I was doing compressions and
13 helping suction and ventilate in the ambulance, but I
14 do not recall who else was partaking in that.

15 Q Okay. So let's talk about when John O'Keefe
16 was put on the scoop stretcher and then ultimately
17 taken to the ambulance. Who was with you when that was
18 occurring?

19 A So it would have been me, Nuttall, Flematti
20 and Robery, I believe, were trying to get him on the
21 scoop. And then I believe the engine guys were trying
22 to get the stretcher.

23 Q Who were the engine guys?

24 A That would be Walsh. It must have been Walsh,
25 Woodbury and McLaughlin. I don't recall who exactly

1 was --

2 Q All right. So your memory is that yourself,
3 Nuttall and Flematti were loading John O'Keefe onto the
4 scoop?

5 A I believe so, yeah.

6 Q And then from the scoop he's put on a
7 stretcher?

8 A Yeah.

9 Q And then who would it have been that wheeled
10 the stretcher to the ambulance?

11 A I don't recall.

12 Q Did you?

13 A I don't recall.

14 Q So you have no memory of who would have taken
15 John O'Keefe on that stretcher into the back of the
16 ambulance?

17 A I don't recall who actually did it, but it
18 would just be whoever's in the best location at the
19 time to move the stretcher.

20 Q All right. Do you have a memory of John
21 O'Keefe going into the back of the ambulance?

22 A Not a clear memory, no.

23 Q Who went into the ambulance with him?

24 A Me, Nuttall, Flematti, Walsh, Woodbury.

25 Q Okay. And, by the way, once he's on the scoop

1 and then put on the stretcher, the priority is to get
2 him into that ambulance, correct?

3 A Correct.

4 Q And part of the reason for that is he was
5 cold, correct?

6 A Yes, sir.

7 Q And your priority was you wanted to warm him
8 up, correct?

9 A Correct.

10 Q And the best place to do that would have been
11 the inside of that ambulance, correct?

12 A Correct.

13 Q So it wasn't that he was put on the stretcher
14 and then there was some detour in terms of where he was
15 taken. You or whoever took him made a beeline for the
16 back of that ambulance in order to get him warm,
17 correct?

18 A Correct.

19 Q And, once he's in the ambulance, the priority
20 at that point would be to close the doors of the
21 ambulance, correct?

22 A Correct.

23 Q Because if you leave the doors open, there is
24 a blizzard outside, correct?

25 MR. LALLY: Objection.

1 THE COURT: Sustained. Go ahead. If you
2 could move forward, please.

3 BY MR. YANNETTI:

4 Q And so the doors were closed to the ambulance,
5 correct?

6 A At some point, yes.

7 Q And inside the doors of that ambulance, as you
8 testified, was at least, and not naming everybody, but
9 at least you and Nuttall and Flematti, correct?

10 A Correct.

11 Q And, once those doors were closed to the
12 ambulance, none of you left the ambulance, correct?

13 A None of us, meaning --

14 Q I'm talking specifically about you and Nuttall
15 and Flematti.

16 A I don't believe so.

17 Q No. You would have remained in the ambulance
18 all the way to the hospital. That's the point in which
19 the doors would be open, correct?

20 A Correct.

21 Q All right. Now, I'd like to ask you some
22 questions about the scene that you came upon in terms
23 of people who were there when you arrived, sir. You
24 had previously testified that you saw -- I believe you
25 testified that you saw -- two women and a law

1 enforcement officer already on scene, correct?

2 A Correct.

3 Q One of those women appeared to have blood
4 around her mouth, correct?

5 A Correct.

6 Q It was something red, but you assumed that it
7 was blood, correct?

8 A Correct.

9 Q And that led you to also believe that she had
10 rendered or tried to render CPR, correct?

11 MR. LALLY: Objection.

12 THE COURT: Is that what you believe?

13 THE WITNESS: Yes.

14 THE COURT: Okay.

15 BY MR. YANNETTI:

16 Q And, while you were on scene, it was the woman
17 who had the blood around her mouth who appeared to be
18 most upset, correct?

19 A Correct.

20 Q She was really upset, correct?

21 A Yes.

22 Q Would you go so far as to say she was
23 distraught?

24 A Yes.

25 Q Hysterical?

1 A Yes.

2 Q Frantic?

3 A Yes.

4 Q And you heard her say, he's dead. He's
5 fucking dead. Something like that, correct?

6 A Yes.

7 Q And she didn't say it in the tone of voice
8 that I just said it, correct?

9 A Correct.

10 Q She was screaming when she said that, correct?

11 A Correct.

12 Q It was very easy for you to discern that her
13 words were, he's dead, he's fucking dead, correct?

14 A Correct.

15 Q And she repeated it more than once, correct?

16 A Correct.

17 Q And it's fair to say that at no point in time
18 did you ever hear her say, I hit him, I hit him, I hit
19 him, correct?

20 A Correct.

21 Q And you would agree with me, sir, that you
22 have been extremely consistent in terms of your memory
23 of what she said, correct?

24 A Correct.

25 Q You've been asked these questions not for the

1 first time by Mr. Lally or me in court today. There
2 have been other occasions where people have asked you
3 what did the woman with the blood on her mouth say when
4 she was on scene, correct?

5 A Correct.

6 Q You were asked that by Trooper Proctor on
7 February 9th of 2022, correct?

8 A I don't recall.

9 Q It's probably unfair of me to say the date,
10 but you do recall speaking to a state police not long
11 after these incidents, correct?

12 A Correct.

13 Q And, to that state trooper, you told him that
14 what she said was, he's dead, he's fucking dead,
15 correct?

16 A I don't recall.

17 Q You don't recall saying anything differently
18 than that, do you?

19 A I remember saying a lot differently, but I
20 might have also said that. I just don't recall.

21 Q Let me rephrase that. You don't recall
22 changing her words at all. You recall you've always
23 said, he's dead, he's fucking dead, correct?

24 A Correct.

25 Q That was not only to the state police on

1 February 9th but then in April of 2022, you were in a
2 grand jury setting, correct?

3 A Correct.

4 Q There was no defense attorney there on that
5 day, correct?

6 A I don't believe so.

7 Q You don't remember seeing me there?

8 A No. I didn't see you there.

9 Q Mr. Lally was asking you the questions,
10 correct?

11 A Correct.

12 Q And, there, you also said that what the woman
13 with the blood on her mouth said was, he's dead, he's
14 fucking dead, correct?

15 A Correct.

16 Q And you've testified to that today?

17 A Yes, sir.

18 Q You've never changed that story, correct?

19 A Correct.

20 Q And that is because the truth does not change,
21 correct?

22 A Correct.

23 MR. YANNETTI: At this point, I'd like to play
24 a 15-second portion of a video which I would offer
25 as the next exhibit, Your Honor.

1 THE COURT: We'll watch it, and then --

2 MR. YANNETTI: Thank you very much.

3 THE COURT: No narration, right?

4 MR. YANNETTI: Nothing.

5 BY MR. YANNETTI:

6 Q Before you start, I'm not as interested in the
7 video, sir. I'm interested in the audio. So if you
8 could listen as best you can.

9 A Yes.

10 (Whereupon, the video is played.)

11 BY MR. YANNETTI:

12 Q Would you agree with me, sir, that we heard
13 what you heard that night, which is, he's dead, he's
14 fucking dead?

15 A It was kind of hard for me to hear. I heard
16 about does he do drugs. I couldn't really hear the
17 background.

18 MR. YANNETTI: If I may have a moment, Your
19 Honor?

20 THE COURT: You may.

21 MR. YANNETTI: May we approach?

22 THE COURT: Okay.

23 (Whereupon, there was a sidebar conference as
24 follows:)

25 MR. YANNETTI: I don't want to overstep my

1 bounds, but I'd like to play the video one more
2 time just for the purpose of directing him more
3 toward the beginning of the video, which it is
4 before the statements that he said. And my
5 argument --

6 THE COURT: For what purpose?

7 MR. YANNETTI: Just to see if he can -- I
8 heard it. I think other people heard it.

9 THE COURT: But doesn't what matter is whether
10 the jury hears it?

11 MR. YANNETTI: Correct.

12 THE COURT: So that's the law, correct,
13 Mr. Yannetti?

14 MR. YANNETTI: Oh, for sure. For sure. But
15 the testimony right now, if I can get the witness
16 to acknowledge that, I think that will assist the
17 jury. And I don't think there is any -- I'm not
18 looking to unnecessarily delay the trial. I'm
19 looking for about 10 seconds.

20 THE COURT: No. Play it again and just ask
21 him if he heard that.

22 MR. YANNETTI: Thank you. Thank you.

23 THE COURT: Don't ask him whether he heard.
24 Just say, what did you hear.

25 MR. YANNETTI: Good. Thank you.

1 (Whereupon, the sidebar conference concluded.)

2 BY MR. YANNETTI:

3 Q Mr. Kelly, I got permission to play it one
4 more time.

5 A I'll try my best.

6 Q So again -- and, by the way, before it's
7 queued up, I would direct your attention more toward
8 the beginning of that 15 seconds. There are things
9 that happened, I think, that you heard at the end. But
10 you tell us if you can hear or what you can hear.

11 (Whereupon, the video is played.)

12 MR. YANNETTI: That's enough.

13 BY MR. YANNETTI:

14 Q What did you hear?

15 A I heard someone say "fucking dead."

16 MR. YANNETTI: Thank you, sir.

17 THE COURT: Any redirect?

18 MR. LALLY: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. LALLY:

21 Q Mr. Kelly, from that video that was just on
22 the screen, you indicated that when you got to the
23 scene, you saw the cruiser and parked sort of behind
24 the cruiser, correct?

25 A Around the cruiser, yeah.

1 Q So from that video, you didn't see the
2 ambulance that you were driving anywhere in there,
3 correct?

4 A Correct.

5 Q You have no idea of whether or not you were
6 even on scene at that time that any of those statements
7 that were made in that video were made, correct?

8 A Correct.

9 Q Now, as far as patient care was concerned,
10 were sort of all of you, being yourself,
11 Firefighter Flematti, Firefighter Nuttall,
12 Firefighter McLaughlin, Firefighter Walsh,
13 Firefighter Woodbury, were you all together all the
14 time or were you doing separate things in separate
15 places during the course of your time on scene?

16 A Separate things in separate places.

17 Q So fair to say that everything that you heard
18 may not be everything that someone else that was there
19 from your department that day heard, correct?

20 A Correct.

21 Q And, conversely, something that someone else
22 heard may not be necessarily something that you were in
23 a position to hear that day, correct?

24 A Correct.

25 Q You also were asked some questions about sort

1 of using the shears and cutting off Mr. O'Keefe's
2 clothing during the ride. Is it your testimony that
3 that was in the back of the ambulance, correct?

4 A Correct.

5 Q Was that during the transport or was that
6 prior? Would you be utilizing shears on a patient,
7 cutting off clothing while the ambulance is in transit?

8 A No.

9 Q So if it was in the back of the ambulance,
10 that would have been prior to the ambulance leaving the
11 scene and going to the Good Samaritan, correct?

12 A Correct.

13 MR. LALLY: Nothing further.

14 MR. YANNETTI: Your Honor, the only thing I
15 would offer is the video that I played.

16 THE COURT: We will do that.

17 (Whereupon, there was a discussion off the record.)

18 MR. YANNETTI: I'm sorry. I was mistaken. It
19 has not been premarked.

20 THE CLERK: It will be Exhibit 380, Your
21 Honor.

22 (Whereupon, thumb drive re: scene was entered and
23 marked Exhibit No. 380 in Evidence.)

24 THE COURT: Thank you.

25 MR. YANNETTI: Thank you.

1 THE COURT: All right. So we're all set?

2 MR. LALLY: Yes.

3 MR. YANNETTI: Thank you, Your Honor.

4 THE COURT: Thank you. You are all set.

5 THE WITNESS: Thank you.

6 (Whereupon, the witness is excused.)

7 THE COURT: Call your next witness.

8 MR. LALLY: Yes, Your Honor. The Commonwealth
9 would call Mr. Francis Walsh to the stand.

10 Whereupon,

11 FRANCIS WALSH

12 having been first duly sworn, was examined and
13 testified under oath as follows:

14 THE COURT: Okay. Whenever you're ready,
15 Mr. Lally.

16 MR. LALLY: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. LALLY:

19 Q Good afternoon, sir.

20 A Good afternoon.

21 Q Could you please state your name and spell
22 your last name for the jury?

23 A Francis Walsh, W-A-L-S-H.

24 Q And what do you do for work, sir?

25 A I am a lieutenant/paramedic with the Canton

1 Fire Department.

2 Q And how long have you been a
3 firefighter/paramedic with the Canton Fire Department?

4 A Just shy of 10 years.

5 Q And you indicated that you have the rank of
6 lieutenant; is that correct?

7 A That's correct.

8 Q And how long have you been a lieutenant with
9 Canton Fire Department?

10 A Since September of last year.

11 Q Now, with regard to -- you have certifications
12 both as an EMT and a paramedic, correct?

13 A That's correct.

14 Q And, with regard to those certifications, when
15 was it first that you sort of received those?

16 A I received my paramedic certification in June
17 of 2014, is when I was officially certified.

18 Q And is that something that you've been subject
19 to, sort of continuing educational components and
20 recertifications since then?

21 A Yes. Every two years, we have to recertify
22 and take continuing education classes.

23 Q And is your certification up to speed at this
24 point?

25 A Yes. It's current. I just recertified last

1 month, actually.

2 Q Now, if I could turn your attention to the
3 evening of January 28th into January 29th, 2022. Do
4 you recall that date?

5 A I do.

6 Q And were you working that day with the fire
7 department?

8 A I was.

9 Q And what kind of shift were you working on
10 that occasion?

11 A A 24-hour shift, which is standard.

12 Q And is that 8:00 a.m. to 8:00 a.m.

13 A That's correct.

14 Q Correct me if I'm wrong, but that would be
15 8:00 a.m. on the 28th until 8:00 a.m. on the 29th?

16 A That's correct.

17 Q And so where were you assigned to on that
18 particular day?

19 A I was assigned to headquarters, which is on 99
20 Revere Street. And my position was engine driver.

21 Q So fair to say people within your department
22 get different sort of assignments on different
23 apparatus based on a different shift that they are
24 working?

25 A That's correct.

1 Q And your assignment that day was the driver of
2 the engine?

3 A Correct, yes. Engine 3.

4 Q Now, beyond sort of your assignment as the
5 engine driver during that particular shift, what, if
6 any, sort of specialized assignment do you have or did
7 you have at that time in regard to snow removal?

8 A Yes. So on that particular shift, I was also
9 the snowplow driver. We have an in-house truck and a
10 snowplow for the fire department. And that was my
11 responsibility on that shift.

12 Q How many people within your department have
13 that sort of responsibility when it comes to snowplow
14 driver?

15 A It kind of depends group to group. So some
16 working groups will just kind of rotate and have a
17 different person do it each time. At that time, the
18 group that I was on, I kind of had the most experience
19 plowing. So I was always the go-to person to be in the
20 plow truck when it snowed.

21 Q And so with respect to that duty, about what
22 time did you sort of get up on that morning of the
23 29th?

24 A I believe it was around 4:00 a.m.

25 Q And why was it that you got up at that time?

1 A It was snowing pretty heavily. I mean, we
2 knew the forecast called for a lot of snow. So I got
3 up early and hopped in the plow truck.

4 Q And just briefly, in addition to the snow,
5 what, if anything else, did you observe as far as the
6 weather conditions when you were out in the plow truck?

7 A It was very windy. Yeah. Just windy and
8 really heavy snow.

9 Q Now, at some point shortly after 6:00 a.m.,
10 does your department get dispatched to a call?

11 A Yes.

12 Q And where was the dispatch to and what was it
13 in regard to, if you know?

14 A So I didn't hear the actual dispatch because I
15 was in the plow truck. I was in the rear of
16 headquarters, in the plow truck. But my captain,
17 Captain Robery, came out and told me that we had a call
18 for 34 Fairview Road for an unresponsive male party.
19 And he told me to hop in the engine and head to that
20 call.

21 Q And, when you hop in the engine, who, if
22 anyone else, from your department was assigned to the
23 same engine as you on that day?

24 A So I had Lieutenant Woodbury to my right in
25 the passenger seat and Firefighter McLaughlin in the

1 rear.

2 Q And, beyond the engine that you were driving,
3 what, if any, sort of apparatus from your department
4 was dispatched to the call that day, as well?

5 A So that would have been Ambulance 1 and also
6 Car 5 went, as well. That's kind of like an optional
7 thing. But, with a call of that severity, the captain
8 will go, as well.

9 Q And who was in Car 5 on that day?

10 A Captain Robery.

11 Q And you drove the engine; is that correct?

12 A That's correct.

13 Q And, if you could, describe for the jury sort
14 of what you observed as far as the road conditions,
15 visibility and things like that en route from the
16 station to Fairview Road.

17 A Yes. It was really, really poor driving
18 conditions and visibility. I can't recall ever driving
19 to a call of that nature and that severity that slowly.
20 The visibility was so poor that we were just driving
21 extremely slow.

22 Q Okay. And from -- if you could, describe to
23 the jury sort of the route of travel that you took from
24 Station 1 to Fairview Road.

25 A Sure. So out of Station 1, take a right onto

1 Revere Street and then a left onto Sherman Street, a
2 right onto Chapman Street and then a left onto
3 Fairview.

4 Q Now, if you recall, what was sort of the order
5 -- you're all sort of dispatched and you're all sort of
6 responding around the same time, being Car 5, the
7 ambulance and the engine, correct?

8 A Correct.

9 Q And, if you recall, what was sort of the order
10 of the vehicles in response?

11 A So Engine 3 -- we were the last vehicle for
12 the fire department to arrive on scene. So when we
13 arrived on scene, Ambulance 1 and Car 5 were already on
14 scene.

15 Q And if I could ask just sort of as you're
16 turning onto Fairview Road and you travel down it,
17 what, if anything, do you note about sort of the
18 elevation of the roadway as you're driving down
19 Fairview?

20 A It's a downhill grade. Yeah. It gets a
21 little bit steep at one point.

22 Q And the residence that you eventually stopped
23 at or responded to, where was that in location in
24 reference to -- when you first turn onto Fairview,
25 about how far down is the residence that you eventually

1 go to?

2 A Pretty far down. I believe it's one of the
3 last houses on Fairview.

4 Q And the residence that we're talking about as
5 from your perspective when you're driving down there,
6 is that on your left, your right, or something else?

7 A Left.

8 Q And, as you are approaching the scene, what is
9 it that you sort of see before you, you know, how do
10 you know where to stop and where you're going?

11 A Yeah. So I mean, we -- like I said,
12 visibility was really poor, but there was Ambulance 1,
13 Car 5, at least a couple of police cruisers on scene
14 before us. So it's kind of hard to miss that. So
15 that's how we knew where to stop.

16 Q Now, in regard to -- you're responding to an
17 unresponsive male, correct?

18 A Correct.

19 Q And, just to be clear, at some point you were
20 able to identify or you were told what the identity was
21 of that unresponsive male with the patient, correct?

22 A That's correct.

23 Q And what was his name?

24 A John O'Keefe.

25 Q And so with respect to Mr. O'Keefe, as you are

1 approaching the scene, when was the first time that you
2 were able to sort of see where Mr. O'Keefe was on scene
3 when you arrived there?

4 A It wasn't until a little bit after we actually
5 arrived on scene that I could see the patient because,
6 as we pulled up, the ambulance was blocking our line of
7 sight to where the patient was. So I couldn't see him
8 right away.

9 Q And what was sort of the -- I know you talked
10 about visibility, but as far as had the sun come up
11 yet?

12 A No. It was pitch black.

13 Q And so when you arrive on scene, what is it
14 that you and sort of the other people on your engine
15 are doing in relation to patient treatment at that
16 point?

17 A So at that point, I got out of the engine, and
18 I started walking towards where the ambulance crew was.
19 But, at that point, Firefighter McLaughlin was coming
20 around to the rear of the ambulance, we got the
21 stretcher out. So I went directly to that to give her
22 a hand with that. And we proceeded to bring that
23 around the front of the ambulance, where Firefighter
24 Nuttall, Flematti, Kelly and I believe Captain Robery
25 were working on the patient.

1 Q Now, in reference to where the patient,
2 Mr. O'Keefe, was, where was he -- could you see sort of
3 how he was positioned in reference to the ground?

4 A I could see they had, the other firefighters
5 and the captain that I had just mentioned, had just put
6 him on the backboard at the first time that I saw him.
7 I'd say that was like roughly 10 feet in from the road.

8 Q And, to that point, how were you able to say
9 that it was approximately 10 feet in from the road?

10 A Just an estimate.

11 Q Let me ask you, as far as the stretcher was
12 concerned that you and Firefighter McLaughlin
13 retrieved, where did you place that in relation to
14 where Mr. O'Keefe was when you first when brought it
15 over?

16 A So we placed that. We decided to leave it on
17 the street and get it as close to the grass or snow as
18 possible. It was unspoken, but we knew that we didn't
19 want to put the stretcher onto the snow. It would be
20 too unstable. So we put it right up against the curb.
21 So right at the edge of the street, where the street
22 meets the yard.

23 Q So you put the stretcher, basically, right up
24 against the curb and Mr. O'Keefe was approximately 10
25 feet from that?

1 A That's correct.

2 Q And, with respect to positioning the
3 stretcher, was that parallel with the curb or
4 perpendicular to it or how was it positioned?

5 A Parallel.

6 Q Parallel. You mentioned that obviously
7 Mr. O'Keefe is on scene and there are a number of
8 different firefighters from your department, correct?

9 A That's correct.

10 Q And there was at least a police cruiser. Did
11 you see any officers sort of around the scene?

12 A Yes. I remember Officer Saraf and
13 Sergeant Goode.

14 Q And, with respect to civilians, what, if any,
15 civilians did you observe around the scene, as well?

16 A I observed two female civilians.

17 Q And where were they in relation to where you
18 were or in relation to where Mr. O'Keefe was?

19 A I mean, they were pretty worked up. So they
20 were moving around quite a bit. But I'd say they were
21 somewhere in between myself and the stretcher and where
22 Mr. O'Keefe was.

23 Q And did you, yourself, have any conversation
24 with either of the two females that you saw?

25 A I did not directly, no.

1 Q And you just testified a little bit before
2 that they were upset? Is this what both of them were?

3 A Yes.

4 Q And what, if anything, leads you to sort of
5 come to that conclusion as far as their demeanor or
6 what, if anything, did you specifically observe?

7 A I mean, I observed one of them like screaming
8 and crying. They were both just frantically like
9 moving around a lot.

10 Q And, as far as the one that you observed
11 screaming or crying, do you recall specifically what,
12 if anything, that person said?

13 A All I recall her saying was, is he alive.

14 Q Now, with respect to Mr. O'Keefe as far as his
15 clothes, what, if any, observations did you make of his
16 clothes?

17 A The notable observation that I made was that
18 he was missing one shoe, his right shoe.

19 Q And where was Mr. O'Keefe when you made that
20 observation of missing one shoe?

21 A It was when we put the stretcher into the
22 ambulance. The stretcher lifts up so it's kind of
23 right at my face and up to my nose.

24 Q And so at the time that he was being placed in
25 the ambulance, he only had one shoe based on what you

1 saw?

2 A That's correct.

3 Q Now, once Mr. O'Keefe is in the back of the
4 ambulance, where did you go?

5 A So I stayed down at the feet. I was
6 positioned right by his right leg.

7 Q And what, if any, difference did you note
8 between sort of the lighting conditions outside on the
9 lawn versus the lighting conditions in the back of the
10 ambulance?

11 A In the back of the ambulance, it was
12 dramatically better.

13 Q And so once in the back of the ambulance,
14 what, if anything, did you note or observe as far as
15 injuries to Mr. O'Keefe?

16 A I noticed the hematoma on his right eye, and I
17 noticed some blood coming from his nose.

18 Q Just to be clear for the record, so when you
19 say "hematoma," based on your training and experience,
20 can you explain what your understanding of that term is
21 to the jury?

22 A Swelling and bruising.

23 Q Now, at some point with respect to the
24 clothing that Mr. O'Keefe was wearing, what, if
25 anything, did you or other firefighters or paramedics

1 from your department do with reference to Mr. O'Keefe's
2 clothing?

3 A We removed all of his clothing.

4 Q And let me first ask, how was that removal
5 sort of accomplished?

6 A Can you repeat that?

7 Q Sure. When you removed his clothing, how did
8 you do that?

9 A Oh. With trauma shears. Basically scissors
10 that cut clothing.

11 Q And, once sort of -- was that pursuant to some
12 sort of protocol or why was the clothing removed?

13 A Yes. In any trauma call, it's protocol to
14 expose the patient so you can see all of the injuries
15 and you don't miss any injuries.

16 Q And once the clothing was removed with the
17 trauma shears, what, if any, additional injuries or
18 anything did you observe on Mr. O'Keefe's body?

19 A I noticed some scratches and lacerations on
20 his right arm.

21 Q Now, in reference to treatment in the back of
22 the ambulance with regard to Mr. O'Keefe, what, if any,
23 sort of role in that did you sort of assume or were you
24 sort of assigned by the lead paramedic?

25 A Yes. I was responsible for the IO drill and

1 access. It's an intraosseous access.

2 Q And can you explain to the jury sort of what
3 that is and how that is accomplished?

4 A Yes. So you do that instead of I.V. access.
5 So when somebody is in cardiac arrest, it's really hard
6 to get an I.V. So what you do is you actually drill
7 into a bone and you can administer medication and
8 fluids into the bone marrow space.

9 Q And so pursuant to -- so Mr. O'Keefe was
10 undergoing cardiac arrest, correct?

11 A Correct.

12 Q Could you explain your understanding of that
13 term based on your training and experience to the jury?
14 What is cardiac arrest?

15 A No cardiac function. His heart isn't pumping
16 blood anymore.

17 Q And so what, if any, sort of protocols are
18 there as far as medication administration is there in
19 reference to a cardiac arrest?

20 A Yeah. So the front-line medication for that
21 is epinephrine, and that's what we gave through the IO
22 access.

23 Q What is the purpose of the epinephrine?

24 A Epinephrine, I mean, basically, in layman's
25 terms, it gets the heart pumping again if that's a

1 viable option.

2 Q And, in addition to the epinephrine, what, if
3 any, other medication was administered through the IO?

4 A I believe that was it. As far as when I was
5 on scene, it was just epinephrine.

6 Q Do you recall anything about saline?

7 A Oh, yes. Saline, as well. But, you know,
8 it's not a medication. But yeah. We also administered
9 saline.

10 Q What is the purpose of the saline?

11 A Saline is just to increase blood volume.

12 Q Now, as far as the transport, Mr. O'Keefe is
13 then taken from the scene to a hospital, correct?

14 A Correct.

15 Q And did you go along with the ambulance on the
16 transport to the hospital?

17 A I did not.

18 Q So you remained on scene at least for some
19 period of time, correct?

20 A Very briefly, but yes.

21 Q And you referenced some officers from the
22 Canton Police Department that were on scene when you
23 were on scene, correct?

24 A Correct.

25 Q And without reference to anything that was

1 said, which of them, if any, did you have any
2 conversation with prior to leaving the scene?

3 A Sergeant Goode.

4 Q And, just as far as what you told Sergeant
5 Goode, what, if anything, did you relay to him before
6 you left the scene?

7 A I related to him that there were signs of
8 trauma on the patient.

9 Q And did you get it any sort of further
10 explanation as to signs of trauma that you observed?

11 A Yes. I believe I told him what I told you
12 about the hematoma on the eye and the blood in the nose
13 and the scratches and lacerations on the arm.

14 Q So you told Sergeant Goode what you just
15 testified to this jury that you observed?

16 A I believe so.

17 MR. LALLY: Ms. Gilman, if I could ask for

18 Exhibit No. 18?

19 BY MR. LALLY:

20 Q Firefighter Walsh, that's up on the screen as
21 Exhibit 18, do you recognize that?

22 A Yes. 34 Fairview Road.

23 Q Is that a fair, minus whatever the weather
24 conditions are, a fair and accurate portrayal of what
25 you observed that day at 34 Fairview?

1 A Yes.

2 MR. LALLY: May I approach the witness just
3 briefly?

4 THE COURT: Yes.

5 BY MR. LALLY:

6 Q So this again is a laser pointer. Just press
7 on that and point it at the screen. Thank you, sir.

8 So, Firefighter Walsh, if I could ask you,
9 using that laser pointer, if you could direct the
10 jury's attention to where within this photograph, if
11 you see it, that you observed Mr. O'Keefe's body when
12 you first arrived at the scene?

13 A Right in that general area (indicating).

14 Q Thank you, sir.

15 MR. LALLY: May I have one moment, Your Honor?

16 THE COURT: You may.

17 MR. LALLY: No further questions for this
18 witness, Your Honor.

19 THE COURT: All right. Cross-examination?

20 MR. YANNETTI: Yes.

21 CROSS-EXAMINATION

22 BY MR. YANNETTI:

23 Q Good afternoon, sir.

24 A Good afternoon.

25 Q I just want to ask you about the woman that

1 you saw on scene who appeared to be screaming and
2 crying. Would you agree with me that she stood out to
3 you because she appeared to be the most upset?

4 A Yes. I would agree with that.

5 Q And the loudest?

6 A Yes.

7 Q She appeared to be crying more than others?

8 A Yes.

9 Q And she was screaming, right?

10 A Yes.

11 Q And what you heard her say was that she just
12 said, is he alive, correct?

13 A That's what I recall. Correct.

14 Q In a loud voice?

15 A Yes.

16 Q In a distraught voice?

17 A Yes.

18 Q While she was crying?

19 A Correct.

20 MR. YANNETTI: I have nothing further.

21 THE COURT: There's noting else, Mr. Lally,
22 right?

23 MR. LALLY: No, Your Honor.

24 THE COURT: All right. You are all set. So
25 thank you.

1 THE WITNESS: Thank you.

2 THE COURT: Who is your next witness?

3 MR. LALLY: Ms. Katie McLaughlin.

4 Whereupon,

5 KATIE MC LAUGHLIN

6 having been first duly sworn, was examined and
7 testified under oath as follows:

8 THE COURT: Okay. Whenever you're ready,
9 Mr. Lally.

10 MR. LALLY: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MR. LALLY:

13 Q Good afternoon. Could you please state your
14 name and spell your last name for the jury?

15 A Katie McLaughlin, M-C-L-A-U-G-H-L-I-N.

16 Q And what do you do for work, ma'am?

17 A I'm a firefighter/paramedic for the town of
18 Canton.

19 Q And how long have you been a
20 firefighter/paramedic for the town of Canton?

21 A Probably about seven years.

22 Q Prior to working for the Canton Fire
23 Department, what, if any, other work did you do sort of
24 within that general field?

25 A I worked as a EMT basic for Brewster

1 Ambulance, went to paramedic school. I eventually
2 became a paramedic for Brewster Ambulance and worked
3 there for a few years before getting on the fire
4 department.

5 Q And just briefly, but prior to becoming a
6 paramedic or working as a paramedic, what, if any, sort
7 of training did you receive in regard or certification
8 did you receive in regard to being a paramedic?

9 A So it's two years schooling where you have
10 about a year didactic. There is a lecture portion for
11 about a year, and then after that, there is about a
12 year to a year and a half of clinical training that's
13 done in an ER and then done in an ambulance. So that
14 whole period is around two years.

15 Q And, prior to working at the Canton Fire
16 Department, you received a certification from the state
17 or some other source as being a paramedic, correct?

18 A Yes. It's through the state and through a
19 national registry.

20 Q And both those certifications through the
21 state and the national registry, are those granted sort
22 of forever, or is there like a continuing educational
23 component and a recertification process?

24 A So you recertify every two years. You have to
25 take continuing education classes in that two-year

1 period. And that's just on a two-year cycle you
2 recertify.

3 Q And your certification is up to date at this
4 point; is that correct?

5 A Yes.

6 Q Now, ma'am, if I could turn your attention to
7 the dates of January 28th, 2022 into January 29th,
8 2022. Do you recall those dates?

9 A Yes.

10 Q And were you working with the Canton Fire
11 Department on those dates?

12 A Yes.

13 Q And do you recall what kind of shift you were
14 working from the 28th to the 29th?

15 A It was just my regular 24-hour shift.

16 Q And a 24-hour shift at Canton Fire is
17 essentially 8:00 a.m. to 8:00 a.m.; is that correct?

18 A Correct.

19 Q And where were you sort of assigned within the
20 town of Canton Fire Department on that day?

21 A So I was on the engine for that shift. So I
22 was the third person on the engine. There's an engine
23 driver. There is an officer and then there is a third
24 person who is in the back.

25 Q And so your sort of role with respect to the

1 engine, is there sort of like a name for that position?

2 A Some people call it like the back step.

3 Q And which station house were you assigned to
4 on that Engine 3 that day?

5 A The Station 1, which is 99 Revere Street.

6 Q And, in addition to yourself, who, if anyone
7 else, was assigned to the other sort of two roles on
8 the engine that day?

9 A Brink. Brink Walsh was the engine driver that
10 day, and Greg Woodbury was the lieutenant on the engine
11 that day.

12 Q Now, turning your attention to that morning of
13 the 29th, do you recall about what time you got up or
14 what time you went outside that day?

15 A I think we were up maybe a little before six
16 because it was snowing and we had to like shovel the
17 front apron. So we were up at maybe five, 5:00 a.m.

18 Q And so when you were up around that time
19 around 5:00 a.m. and outside, you were outside,
20 shoveling; is that correct?

21 A Yes, intermittently.

22 Q I'm sorry?

23 A Intermittently.

24 Q Okay. So during the times that you were
25 outside, shoveling, what, if anything, did you observe

1 as far as the weather or the conditions at that point?

2 A It was snowing pretty heavily. It had been
3 snowing. We were shoveling and it was pretty cold and
4 windy.

5 Q And, if you know, around that time that you
6 initially sort of went out and were shoveling, about
7 how much snow had accumulated at that point, if you
8 know?

9 A I don't know how much. Enough for us to
10 shovel that front apron, but I don't know how much.

11 Q Now, sometime shortly after 6:00 a.m., were
12 you and other members of your department dispatched to
13 a call?

14 A Yes.

15 Q And where were you dispatched to and what was
16 that dispatch in regard to?

17 A So the call came in as a man down in the snow
18 or a man unresponsive in the snow. And the call was
19 for 34 Fairview Road.

20 Q About how long was it from the time that you
21 sort of received that dispatch and go sort of on the
22 engine to that residence on Fairview Road?

23 A How long?

24 Q Yes.

25 A We are on the truck and going within probably

1 a few minutes, at most.

2 Q So in addition to yourself and firefighter
3 Walsh and Lieutenant Woodbury, what, if any, other sort
4 of apparatus from your station was dispatched to this
5 call, as well?

6 A The ambulance was dispatched, as well. And I
7 believe the command car, Car 5, also was dispatched to
8 the call.

9 Q As far as Car 5, if you recall, who was in Car
10 5?

11 A At the time, Captain Robery.

12 Q And, with respect to the ambulance, if you
13 know, who, if anyone, was assigned to the ambulance and
14 went with the ambulance that day?

15 A Firefighter Kelly and Firefighter Flematti
16 were on that ambulance. And I believe Tim Nuttall was
17 also there. He came in early. So he jumped on the
18 ambulance, as well.

19 Q And, with respect to when you get to Fairview
20 Road, do you recall what sort of order the vehicles
21 were in as far as Car 5, the ambulance and the fire
22 engine?

23 A I think Car 5 was maybe first, and then the
24 ambulance was in front of us. And then we pulled up
25 behind the ambulance.

1 Q And so when you sort of arrive on scene and
2 pull up behind the ambulance, other than vehicles from
3 your department, what, if any, other sort of vehicles
4 did you observe or see on scene that day?

5 A I noticed there were multiple police vehicles
6 and at least one civilian vehicle.

7 Q Now, obviously, you're responding to a report
8 of an unresponsive male party, correct?

9 A Yes.

10 Q And, when you're sort of first arriving on
11 scene or just in reference to when you arrived on
12 scene, when was the first time that you were able to
13 see that unresponsive party?

14 A So when I got out of the engine, I went right
15 back to the ambulance to get the stretcher because I
16 knew that from wherever they were, they seemed to be
17 kind of in, off of the road. So I went and got the
18 stretcher with Firefighter Walsh, I believe. And then
19 we brought the stretcher as close as we could to the
20 patient. And that was like parallel to the curb. And
21 that would be the first time that I observed them
22 working on a patient.

23 Q And so if I could just ask you with regard to
24 sort of those duties as the back step person, what is
25 sort of the duties and responsibilities of the back

1 step person on the engine to this kind of medical call?

2 A So the role of the person in the back of the
3 engine is -- it kind of is dependent upon what that
4 lead paramedic needs you to do. You're there to assist
5 the ambulance in any way that they need. So that could
6 be assisting with extrication of a patient. It could
7 be obtaining information of a patient or bystanders.
8 It could be assisting with patient care, if they need
9 you in the back of the ambulance. It really depends on
10 what they need you to do for that particular call.

11 Q Turning back to your testimony just from a
12 moment ago, you said they were over rendering sort of
13 patient care; is that correct?

14 A Yes.

15 Q What do you mean by that?

16 A I noted Tim. I noted Tony. And there were a
17 lot of people that seemed to be around that area. So
18 I'm not sure exactly who else was there, but I did note
19 Tony and Tim were in that area.

20 Q So as far as sort of the other people in that
21 area where Tony and Tim where, so people sort of beyond
22 the people from your department, what if any other sort
23 of people did you notice around that area?

24 A I don't know specifically. What do you mean?
25 Like outside of the --

1 Q As far as who were they? Right. So outside
2 of fire department personnel in that area, what, if
3 any, observations did you make of those people? Who
4 were those people, if you know?

5 A Well, at that point, I couldn't really make
6 out like the identities of like other people. I noted
7 Tim and Tony, but I didn't really pick up on who anyone
8 else was at that point. They were still like in, off
9 of the road at that point.

10 Q And so from where they are positioned with
11 regard to the patient -- and, just for clarity
12 purposes, you subsequently learned the identity of the
13 patient, correct?

14 A Yes.

15 Q And who did you learn him to be?

16 A John O'Keefe.

17 Q And where you and Firefighter Walsh were with
18 the stretcher, how far away from where you were was
19 Mr. O'Keefe and the other firefighters?

20 A They were -- I don't know that I could give a
21 number. Several feet away. They were like -- I
22 remember kind of seeing a fire hydrant, but I don't
23 know exactly number-wise what that would be.

24 Q And, from your observation from where
25 Mr. O'Keefe was, could you tell how his body was

1 positioned?

2 A He was supine. So he was lying on his back or
3 face up.

4 Q And what, if anything -- by the time that you
5 arrived with firefighter Walsh and the stretcher, what,
6 if anything, could you see that Firefighters Flematti
7 and/or Nuttall or anyone else was doing with reference
8 to Mr. O'Keefe?

9 A By that point, it seemed like they had already
10 got him pretty much secured on a backboard and they
11 were ready to move him to the stretcher.

12 Q And, once Mr. O'Keefe is then moved with the
13 backboard from where he was to the stretcher where you
14 are, what happened then?

15 A So I remember Tony was kind of at the head of
16 the stretcher. I was standing on the side. There was
17 as woman next to me and Tony said to me, can you try to
18 figure out what happened? And he kind of motioned to
19 this woman that was next to me.

20 Q So Firefighter Flematti, who is the lead
21 paramedic, directs you to ask some questions of this
22 female, correct?

23 A Yes.

24 Q And fair to say this woman that was next to
25 you, you didn't know her; you'd never met her before?

1 A No.

2 Q Okay. From your conversations with her that
3 day, do you see that woman in the courtroom today?

4 A Yes.

5 Q Okay. Could you just direct as to where she
6 is seated or an article of clothing she's wearing?

7 A (Witness indicating).

8 MR. LALLY: Thank you. I'd just ask the
9 record reflect identification of the defendant by
10 the witness, Your Honor.

11 THE COURT: Okay.

12 BY MR. LALLY:

13 Q Now, with respect to this woman, she is
14 standing next to you when you're at the side of the
15 stretcher, correct?

16 A Yes.

17 Q And what, if any, observations did you sort of
18 initially make as far as her demeanor or how was she
19 sort of acting when you first started to engage her.

20 A She seemed very upset. Very upset.

21 Q And, when you say "she seemed very upset,"
22 what about her did you observe that makes you say that?

23 A Just her facial expressions. She was just
24 visibly distraught.

25 Q So as far as your questions, what type of

1 questions are you asking or what type of information
2 are you looking for from this person?

3 A So just basic demographic info, who the
4 patient is, his name, his date of birth. And then, as
5 far as any more questioning, you're trying to gather
6 information that would basically help explain how this
7 person ended up in the scenario that they are in. So
8 did he have any medical problems? Does he take any
9 medications daily? Does he have any allergies to
10 medications. So I was asking those questions.

11 Q And, as you were asking those questions, what,
12 if anything, is the defendant, Ms. Read, doing while
13 you're asking her those questions?

14 A She answered who the patient was, his
15 birthday. I think she answered maybe some of those
16 initial medical questions that I asked. But, as I
17 said, she was very distraught. She was kind of moving
18 around the scene a little bit. So I was like just kind
19 of following her. And then we came to a stop at one
20 point, and I continued to ask or asked one more
21 question.

22 Q What was that one more question you asked?

23 A So at that point, I asked her if there had
24 been any significant trauma that happened before this.

25 Q And what, if anything, did she say?

1 A So she said, I hit him. She repeated it.
2 There was a woman standing across from her who I
3 believe at that point said, you're hysterical. You
4 need to calm down. You're hysterical.

5 She repeated, I hit him. And there was a
6 police officer who was in that vicinity kind of with us
7 who replied, you what? She repeated it one more time,
8 and that officer then signaled to somebody, get Goode
9 down here, which I'm assuming would be the sergeant.

10 Q So when you have this conversation, if you
11 recall, you mentioned that the other person who was
12 across from you was just -- was that somebody from your
13 department or an officer or civilian or who was that?

14 Q So it was -- I was standing. Karen Read was
15 to my right. There was another woman to the left of
16 me, kind of across from her. And then there was a
17 police officer kind of not directly across from me but
18 within like -- within the same kind of area that was
19 more closer to Karen, I would say.

20 Q And do you know who that officer was?

21 A I don't.

22 Q Do you know who the female or the civilian
23 person who was across from you, do you know what that
24 person's name is?

25 A No.

1 Q With respect to when Ms. Read said this
2 repeatedly, I hit him, can you describe for the jury
3 sort of the tonality of that? Like how did she say it?

4 A She seemed -- she was very upset. She seemed
5 hysterical. I would even say just very upset.

6 Q Now, once you received that information, did
7 you follow up with any other questions to Ms. Read at
8 that point?

9 A At that point, I did not. I have to drive the
10 ambulance. So it's a time sensitive situation. So I
11 knew I had to drive the ambulance. It was said in the
12 presence of the police officer. So I felt like that
13 was the appropriate -- that information was
14 appropriately transferred, and I just felt -- based on
15 her demeanor, I don't think it would have been
16 productive for me to continue to ask her questions at
17 that point.

18 Q So after asking and receiving that answer of
19 "I hit him," where did you go from there?

20 A So I went to the ambulance.

21 Q And, in reference to the ambulance, did you go
22 to the back of the ambulance, the front of the
23 ambulance? Where did you go in the ambulance?

24 A So I went into the back of the ambulance,
25 where the patient care was happening.

1 Q And, as far as the information that you had
2 received from the defendant, did you relay that
3 information to any of the other firefighters from your
4 department in the back of the ambulance?

5 A I did.

6 Q And do you recall who was there in the back of
7 the ambulance when you relayed that?

8 A Tony was there, Tim, I think maybe Firefighter
9 Kelly. Firefighter Walsh maybe might have been in
10 there at that point.

11 Q Now, as far as when you get to the back of the
12 ambulance, what, if anything, did you do with reference
13 to assist or help as far as patient care with regard to
14 Mr. O'Keefe?

15 A I didn't assist or partake in any patient
16 care.

17 Q Now, prior to putting Mr. O'Keefe into the
18 back of the ambulance and prior to your conversation
19 with the defendant, what, if any, observations had you
20 made during the brief time that you were on the side of
21 the stretcher of Mr. O'Keefe and any injuries you
22 observed?

23 A I noted he had injuries to his face. I
24 noticed some blood from his nose, from his mouth and
25 most notably he had some swelling to his eyes, mostly

1 the right eye, and a laceration above the right eye.

2 Q And same as far as when you went to the back
3 of the ambulance to relay the information that you had
4 been asked to obtain, what, if any, injuries did you
5 observe of Mr. O'Keefe once he was in the back of the
6 ambulance?

7 A Oh, I'm sorry. I observed those injuries in
8 the back of the ambulance. I didn't observe those
9 injuries while he was out on the stretcher. I didn't
10 get a good look at him.

11 Q Okay. So you really hadn't got a good look
12 until he was in the back of the ambulance?

13 A Right. Right.

14 Q Now, as far as you indicated you drove the
15 ambulance from Fairview, where did you go to?

16 A Good Samaritan Hospital.

17 Q And, as you were driving that ambulance along
18 the roads from Canton to Brockton, what, if anything,
19 did you note as far as visibility, road conditions,
20 things like that?

21 A There was poor visibility. The roads weren't
22 plowed yet. So it was -- it took probably longer than
23 usual based on the conditions.

24 Q And I apologize, but if I can take you just a
25 step back further for a moment just in reference to

1 when you're in the back of the ambulance. You
2 indicated the injuries that you observed.

3 What, if any, observations did you make as far
4 as the clothing that Mr. O'Keefe had on?

5 A I noted that he was wearing jeans. I noticed
6 a lighter, like a black zip-up jacket or sweatshirt.
7 It was like a lighter jacket. I noticed that he had
8 one sneaker on, and that was it.

9 Q Do you recall which foot the sneaker was on?

10 A I don't.

11 THE COURT: Could I see counsel for a second?
12 (Whereupon, there was a sidebar conference as
13 follows:)

14 THE COURT: This is for scheduling purposes
15 again because we have moved courtrooms and it's
16 hard to get, with the other trial going, our jury
17 going. So I want to give them enough time to do
18 this.

19 How much longer do we have? We are breaking
20 for the day, but how much longer do you have with
21 this witness?

22 MR. LALLY: Not much more.

23 THE COURT: Okay. And are you doing the cross
24 of this witness tomorrow?

25 MR. JACKSON: Yes, Your Honor.

1 THE COURT: How long do you think your cross
2 is?

3 THE JUROR: It's not extensive. I would say
4 20 to 30. Twenty.

5 THE COURT: Okay. Because I'd rather finish
6 the witness before we do the view rather than
7 interrupt this testimony to go do the view. So I
8 need to coordinate the bus.

9 MR. JACKSON: Yes. I think I can do it in 20
10 minutes.

11 MR. YANNETTI: So we can get going around 10,
12 10:30, at the latest.

13 THE COURT: All right. 10:30. And I think
14 it's about a two-hour view.

15 MR. LALLY: I don't even think it's that long.

16 THE COURT: I have mundane things to worry
17 about, ordering lunch and things like that.

18 MR. LALLY: No. I understand. I understand.
19 But, I mean, for me, no. I mean, from Dedham to
20 Canton, on scene probably 10 minutes at the most,
21 15 minutes. I mean, I don't know why --

22 THE COURT: Then why is it going to be two
23 hours?

24 MR. LALLY: I'm sorry?

25 THE COURT: Then why is it going to be two

1 hours?

2 MR. LALLY: I didn't know it was.

3 THE COURT: I was told it's a two-hour view.

4 MR. LALLY: No.

5 MR. JACKSON: That's not from us.

6 MR. YANNETTI: That would be max. I think
7 it's going to be shorter than that.

8 MR. LALLY: Ten minutes might be a little -- I
9 mean, because the vehicle will be there, as well,
10 which we need to address. But I think we can
11 probably do, max, an hour, hour and a half like on
12 the bus there and back. I think we should be able
13 to do that.

14 THE COURT: Yes.

15 MR. JACKSON: I agree.

16 THE COURT: Okay. Who are your witnesses for
17 tomorrow?

18 MR. LALLY: So it would be Ms. McLaughlin;
19 Lieutenant Woodbury; Firefighter Daniel Whitley;
20 another firefighter, Jason Becker. And then
21 probably some combination of Lieutenant Gallagher,
22 Sergeant Goode and Sergeant Lank.

23 THE COURT: Okay.

24 MR. LALLY: Depending on how far we get.

25 THE COURT: Two- or three-minute view

1 openings, right? No longer than that?

2 MR. LALLY: Oh, no.

3 MR. JACKSON: If that. We can discuss it
4 later.

5 THE COURT: Are they all set to go now?

6 THE COURT OFFICER: Yes.

7 THE COURT: Okay.

8 (Whereupon, the sidebar conference concluded.)

9 THE COURT: Jurors, we are going to break for
10 the day. We were just trying to figure out some
11 logistical things because we are going to go on a
12 view tomorrow. We are going to finish with the
13 testimony first and we will go on the view after we
14 finish with Firefighter McLaughlin's testimony.

15 But a couple of things about the view. Please
16 dress comfortably. I really appreciate everybody's
17 been dressing respectfully for court, but wear
18 comfortable shoes, at least, for tomorrow.

19 So those three cautions: Please do not
20 discuss this case with anyone. Don't do any
21 independent research or investigation into the
22 case. If you happen to see, hear or read anything
23 about the case, please disregard it and let us
24 know. And, for the view, I will give you some
25 preliminary instructions on that just before you

1 leave. Okay? So we will see you tomorrow. And
2 tomorrow is a full day.

3 (Whereupon, the jury is escorted from the courtroom
4 and excused for the day.)

5 THE COURT: Okay. Firefighter McLaughlin, you
6 can step down. We will see you tomorrow morning.
7 (Whereupon, the witness is excused.)

8 THE COURT: Did you want to see me at sidebar?

9 MR. YANNETTI: Just briefly, Judge.

10 (Whereupon, there was a sidebar conference as
11 follows:)

12 MR. YANNETTI: I just thought it would be
13 helpful to get some guidance from the Court in
14 terms of what you expect with regard to the view.

15 There would be a brief view opening in the
16 courtroom, a couple of minutes each.

17 THE COURT: Yes.

18 MR. YANNETTI: When we get to the site, do you
19 allow counsel to, you know, direct the jurors to
20 look, point out? How much input can counsel have
21 on the view?

22 THE COURT: You can draw their attention to
23 something. You can't tell them why you are drawing
24 their attention.

25 MR. YANNETTI: Oh, of course not.

1 THE COURT: But you can draw their attention.

2 MR. YANNETTI: Typically, we start with the
3 prosecutor: I ask you to look at whatever. And
4 then we'll ask if you -- typically, the prosecutor
5 asks the defense counsel, do you want to want to
6 add anything.

7 MR. YANNETTI: Okay. So we can go back and
8 forth with regard to whatever you point out or --
9 okay. That's all.

10 THE COURT: And then if there are additional
11 things you want, then you can point them out.

12 MR. LALLY: And then he can comment?

13 THE COURT: Yes.

14 MR. YANNETTI: Okay. That makes sense.

15 THE CLERK: While we are talking about this,
16 too, the oath indicates one on each side. So just
17 let me know who is going to be the one talking.

18 MR. YANNETTI: Okay.

19 MR. JACKSON: Is the jury relegated to off the
20 property or are we going to be able to go on the
21 property, like the property line?

22 THE COURT: I did not arrange this, and I
23 asked you all to talk about it.

24 MR. JACKSON: Yes.

25 MS. MC LAUGHLIN: Just the public road. There

1 is no private access.

2 THE COURT: I think that's what the motion
3 said.

4 MR. JACKSON: Okay. That's fine. Thank you,
5 Your Honor.

6 THE COURT: So whoever is talking, I don't
7 care who talks at this point but please speak into
8 the microphone.

9 MR. LALLY: There's a couple of things I
10 wanted to address, Your Honor:

11 Number one, with respect to the view, I had
12 asked before and I just need clarification so the
13 state police know where to put the vehicle. So my
14 preference would be in the area of the fire
15 hydrant, the flagpole and all that.

16 THE COURT: Is there an objection to that?

17 THE COURT: Whoever speaks has to come in.

18 MR. JACKSON: There is no particular objection
19 to that. I mean, I guess it depends on where it
20 is. But no. The area of the flagpole, the fire
21 hydrant --

22 MR. YANNETTI: The only thing I'd be concerned
23 about is I think we are going to be standing by the
24 area by the flagpole on the street and pointing out
25 things. The car might be in the way if it's parked

1 right there. I would ask that it be parked backed
2 up, closer to the driveway if possible. You can
3 face it toward the flagpole if you'd like.

4 THE COURT: Okay.

5 MR. LALLY: Okay.

6 MR. YANNETTI: A couple of car lengths.

7 MR. JACKSON: And all that is consistent with
8 the testimony, as well.

9 THE COURT: So you have a million pictures of
10 this? Why don't you all just pick a picture, put
11 an "X" on it and tell the state police to drop it
12 there.

13 MR. LALLY: That makes sense.

14 MR. YANNETTI: I'm fine.

15 MR. LALLY: Two other things just briefly I
16 wanted to flag for the Court and for counsel. So
17 one of our witnesses is Ms. Teri Kun. She is with
18 the veterinary lab at UC Davis.

19 THE COURT: Okay.

20 MR. LALLY: There is an issue which I can get
21 into if you want me to, but I'd prefer not to. She
22 has a child that --

23 THE COURT: So she has a personal issue. So
24 you don't need to get into it for these purposes.

25 MR. LALLY: So has a personal issue. She

1 needs to testify at a certain time period. And it
2 may be significantly out of turn for where I
3 normally would have had her come in.

4 So what I would like to do is essentially fly
5 her in on May 14th, have her testify on May 15th
6 and be done on May 15th. May 15th should be a full
7 day. So that's my intention to get her done.

8 MR. YANNETTI: We would certainly accommodate
9 witnesses's schedules. We appreciate the fact that
10 you're giving us a head's up in advance about when
11 people are testifying and we will do the same for
12 you.

13 MR. LALLY: Sure.

14 THE COURT: All right. May 15th will be her
15 testimony regardless of where we are?

16 MR. LALLY: That would be my request, yes.

17 THE COURT: Okay. And there is no objection?

18 MR. YANNETTI: No objection.

19 THE COURT: All right. Is there something --

20 MR. LALLY: One last thing, Your Honor,
21 because I had representatives from media approach
22 me about it, indicating with regard to the children
23 and videotaping their testimony. Their indication
24 was that they would abide by whatever the Court
25 orders.

1 THE COURT: Okay.

2 MR. LALLY: They indicated that there was
3 nothing in the written order regarding that. So my
4 request would be if the Court could supplement or
5 put something in writing in reference to that.

6 THE COURT: Okay. You are putting on live
7 witnesses and perhaps reference to the SANE
8 interviews when they were even younger?

9 MR. LALLY: Correct. Yes.

10 THE COURT: All right. So what is the
11 Commonwealth asking me? They cannot film the
12 children.

13 MR. LALLY: Basically, that's what I'm asking,
14 is that there be some sort of supplemental to the
15 Court's order regarding --

16 THE COURT: I planned on doing it. I just
17 didn't know --

18 MR. LALLY: No, no, no. I'm bringing it up
19 now because I'd rather deal with it now rather than
20 later.

21 THE COURT: Do they have the ability to do
22 voice altering? I've seen that. Are you asking me
23 to do that or are they okay with their voices
24 being --

25 MR. LALLY: What I would ask is that there be

1 no recording whatsoever other than the Court's
2 recording, obviously.

3 MR. YANNETTI: No objection.

4 THE COURT: Okay. I'll issue an order.

5 MR. LALLY: Thank you.

6 THE COURT: I need also all the compilation
7 videos, the things that you've altered by putting
8 it together or enhancing in any way what you have
9 done with them. I need all of them. Okay.

10 THE COURT: Because our witnesses are
11 surprised, but I have, but I have to make decisions
12 on whether these are coming in. So if you can get
13 me a copy of everything -- you've got your expert
14 here. If you can get a copy of everything for me
15 by tomorrow so I can review it over the weekend and
16 some guidance on what you suggest it is admissible
17 for or what you intend to do with it.

18 MR. LALLY: Okay.

19 THE COURT: Anything else?

20 MR. LALLY: Not from the Commonwealth.

21 THE COURT: Okay. We'll see you tomorrow.

22 MR. LALLY: Thank you.

23 (Whereupon, the Court adjourned.)
24
25

C E R T I F I C A T E

I, Paula M. Mills, retired certified court reporter, do hereby certify that the foregoing pages, page 9-3 to 9-185, is a true and accurate transcription of the voice recording in the aforementioned matter to the best of my skill and ability.

This, the 7th day of February, 2025.

\s\ Paula M. Mills

Paula M. Mills

Retired Certified Court Reporter
and Court Transcriptionist